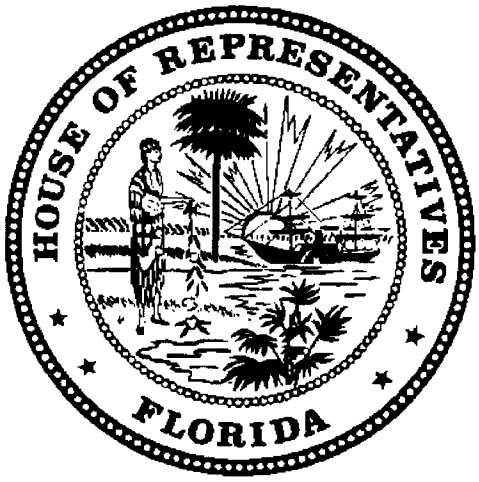

Committee on Energy

Wednesday, March 7, 2007
9:00 AM – 3:00 PM
404 HOB

Revised

Marco Rubio
Speaker

Bob Allen
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Committee on Energy

Start Date and Time:	Wednesday, March 07, 2007 09:00 am
End Date and Time:	Wednesday, March 07, 2007 03:00 pm
Location:	404 HOB
Duration:	6.00 hrs

Consideration of the following bill(s):

HB 549 Power Plants by Traviesa

Consideration of recommendations with respect to PCB ENRC 07-01, relating to Energy Efficiency and Alternative Fuel

The committee will break from 12:00 p.m. - 1:00 p.m. for lunch.

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 P.M., Tuesday, March 6, 2007.

By request of Chair Allen, all committee members are asked to have amendments to the bills on the agenda submitted to staff by 6:00 P.M., Tuesday, March 6, 2007.

NOTICE FINALIZED on 03/05/2007 16:13 by LOVE.JOHN

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 549 Power Plants
SPONSOR(S): Traviesa and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1202

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on Energy		Wiggins	Collins
2) Environment & Natural Resources Council			
3) Policy & Budget Council			
4)			
5)			

SUMMARY ANALYSIS

The 2006 Legislature enacted the "Florida Renewable Energy Technologies and Efficiencies Act" to address a variety of energy related concerns. In response to the disruption in energy supply experienced during the 2004 and 2006 hurricane seasons, the Legislature authorized the Public Service Commission (PSC) to consider fuel diversity and fuel reliability as factors when determining the need for new electric generation.[1] The Act also revised statutory provisions governing determination of need and cost recovery for the construction of nuclear power plants.

When the Public Service Commission (PSC) evaluates a public utility's decision regarding the addition of generating capacity, the commission, pursuant to law, utilizes the "bid rule" process as a means to ensure that a public utility's selection of a proposed generation addition is the most cost-effective alternative available. This rule was designed to provide power at the cheapest rate to the consumer. Due to the high cost of constructing nuclear plants, the bid rule in many cases eliminates nuclear power as an option. In 2006, the Legislature adopted CS/CS/CS/SB 888 to provide that the bid rule does not apply to a nuclear power plant, and that an applicant for a determination of need for such a power plant is not required to secure competitive proposals for power supply before applying for a certificate and filing a petition for a determination of need. In addition, CS/CS/CS/SB 888 authorized nuclear plants to recover their pre-operational costs prior to completion of the project.

Integrated gasification combined cycle (IGCC) power plants convert coal into a synthetic gas, which is then burned in a standard combined cycle power plant to create electric power. This bill applies the provisions created in CS/CS/CS/SB 888 for nuclear power plants to IGCC power plants by exempting them from the "bid rule" process and allowing such plants to recover their pre-operational costs prior to completion of the project

According to information provided by Tampa Electric Company, the provisions enacted by CS/CS/CS/SB 888 for nuclear power plants are equally applicable to IGCC power plants:

- IGCC plants are very expensive to construct relative to natural gas combined cycle plants and other alternatives.
- IGCC plants provide fuel diversity and price stability along with reliability which cannot be obtained without the modification of the determination of need statute and the assurance of cost recovery.

The Tampa Electric Company also maintains that there is an urgency to capitalize on the $133.5 million in tax credits that have been awarded by the Federal Internal Revenue Service for a proposed project in Polk County. To be eligible for the tax credits, the IGCC facility must be placed in service within five years of the date of the issuance of the certification which would likely be around November 2013. Otherwise, the tax credits are subject to recapture in accordance with the IRS rules.

This bill does not appear to have a fiscal impact on state and local governments. The bill allows IGCC power plants to recover pre-operational costs incurred prior to the commercial in-service date of the IGCC plant. These costs will be passed onto ratepayers prior to the completion of the project.

[1] s. 403.519 (3), F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government - Within 6 months of this bill becoming law, the Florida Public Service Commission must develop rules to establish alternative cost recovery mechanisms incurred in the sitting, design, licensing, and construction of integrated gasification combined cycle power plants.

B. EFFECT OF PROPOSED CHANGES:

IGCC Power Plant definition and Emission Information

Background Information

IGCC power plants convert coal into a synthetic gas, which is then burned in a standard combined cycle power plant to create electrical power. An IGCC plant can utilize natural gas as an alternative fuel. According to the Environmental Protection Agency's Office of Atmospheric Programs:

> For traditional pollutants such as nitrogen oxides (NOx), sulfur oxide (SO2), particulate matter (PM) and mercury (Hg), IGCC power plants are inherently lower polluting than the current generation of traditional coal-fired power plants. IGCC plants also have multi-media benefits, as it uses less water than pulverized coal (PC) facilities. IGCC power plants also produce a solid waste stream that can be a useful byproduct for producing roofing tiles and as filler for new roadbed construction. IGCC power plants also have the potential to reduce solid waste by using as fuel a combination of coal and renewable biomass products.[2]

Cost Recovery Provisions

Present Situation

According to the Public Service Commission (PSC),[3] "...expenditures for any pre-operational costs to build power plants would accrue in a regulatory account and when the plant was operational, all costs in this account would become part of the total plant cost that could be placed in the rate base. Current PSC practice does allow public utilities to request early cash flows to occur for power plant construction costs upon a showing that the utility would suffer financial hardships without such early recovery of costs."

Section 366.93, F.S., enacted as part of CS/CS/CS/SB 888, requires the PSC to adopt rules within six months for alternative cost recovery for nuclear power plants that allow recovery for the following items if they were prudently incurred:

- Any preconstruction costs
- Any carrying costs for construction cost balances (this would include mainly interest expenses).

The section provides that an investor-owned utility may petition the PSC for early recovery of these costs after the utility receives an affirmative determination of need for its nuclear power plant. The section allows the utility to increase its base rate charges by the projected annual revenue requirements of the nuclear power plant once the plant is operational.

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[2] Emissions Monitoring and Control Technology, S. Khan, EPA's Office of Atmospheric Programs.
[3] Florida Public Service Commission Staff Analysis for HB 549, 2/19/07.

The only mechanism for permitting any disallowance of costs would be based on the PSC finding certain costs were imprudently incurred pursuant to a chapter 120, F.S., proceeding where the standard of proof is a "preponderance of the evidence standard." Section 403.519(4)(e), F.S., also states that imprudence may not be found for any costs due to events outside the utility's control.

Section 366.93(5) and (6), F.S., require that the utility file annual reports to the PSC on the budgeted and actual construction costs and that if a utility elects not to complete a nuclear power plant project, the utility shall be allowed to recover all prudent preconstruction and construction costs.

Section 403.503(13), F.S., which is applicable to any power plant subject to the PPSA, defines construction costs to include not only lines and substations directly interconnected to a power plant, but any transmission upgrades or expansions on the state's transmission system. Thus, any grid-wide upgrades required to reliably handle the electric output of a new nuclear power plant would similarly be subject to early recovery.

Proposed Situation

This bill extends the provisions of s. 366.93, F.S., to future integrated gasification combined cycle (IGCC) power plants. The effect would be to allow utilities to recover costs incurred prior to the commercial in-service date of the IGCC plant if such costs are determined to be prudent.

Need Determination Provisions

Present Situation

Utilities seeking to construct a power plant, such as an IGCC, with a steam generator greater than 75 megawatts must acquire regulatory approval through the Florida Electrical Power Plant Siting Act (PPSA) (ss. 403.501-.518, F.S.) under the coordination of the Florida Department of Environmental Protection. An affirmative determination of need is required from the PSC as a condition to proceed under the PPSA, as provided in s. 403.507(4)(b), F.S.

Under s. 403.519, F.S., the PSC is the sole forum for the determination of need for an electrical power plan subject to the PPSA. Upon request by an applicant, the PSC must begin a proceeding to determine the need for an electrical power plant subject to the PPSA. The PSC's determination of need for an electrical power plant creates a presumption of public need and necessity and serves as its report required under the PPSA.

Section 403.519, F.S., requires the PSC, in considering whether to approve a need petition for a non-nuclear power plant, to take into account several criteria, including:

- the need for electric system reliability and integrity;
- the need for adequate electricity at a reasonable cost;
- the need for diversity and supply reliability;
- whether the proposed plant is the most cost-effective alternative available;
- available conservation measures which mitigate the need for the plant;
- and other matters within the PSC's jurisdiction.

In determining whether the proposed plant is the most cost-effective alternative, the PSC established Rule 25-22.082, F.A.C., Selection of Generating Capacity. This rule requires utilities to request bids for alternatives to its proposed plant in order to meet the identified need for power. The effect of the rule is to provide the PSC with more complete information about potential alternatives to the proposed power plant to use as a consideration in its deliberation of the project's cost-effectiveness.

Due to the high cost of constructing nuclear plants, the bid rule in many cases eliminates nuclear power as an option. In 2006, the Legislature adopted CS/CS/CS/SB 888 to provide that the bid rule does not

apply to a nuclear power plant, and that an applicant for a determination of need for such a power plant is not required to secure competitive proposals for power supply before applying for a certificate and filing a petition for a determination of need.

Under the statutory provisions enacted by the 2006 Legislature (s. 403.519(4), F.S.), in making its determination to either grant or deny a petition, the PSC is required to consider:

- the need for electric system reliability and integrity, including fuel diversity;
- the need for base-load generating capacity; and
- the need for adequate electricity at a reasonable cost.

In making its determination, the PSC must also take into account matters within its jurisdiction, which it deems relevant, including whether the nuclear power plant will:

- provide needed baseload capacity;
- enhance the reliability of electric power within the state and reduce Florida's dependence on fuel oil and natural gas; and
- provide the most cost-effective source of power, taking into account the need to improve the balance of fuel diversity, reduce Florida's dependence on fuel oil and natural gas, reduce air emission compliance costs, and contribute to the long-term stability and reliability of the electric grid.

The PSC's determination of need for a nuclear plant creates presumption of public need and necessity. Any review of the order is to be accomplished by the Supreme Court as expeditiously as practicable giving precedence over matters not accorded similar precedence by law.

Under s. 403.519(4), F.S., after a petition for determination of need for a nuclear power plant has been granted, the right of a utility to recover any costs incurred prior to commercial operation, including, but not limited to, costs associated with the siting, design, licensing, or construction of the plant, are not subject to challenge unless and only to the extent the PSC finds, based on a preponderance of the evidence adduced at a hearing before the PSC under s. 120.57, F.S., that certain costs were imprudently incurred. Proceeding with the construction of the nuclear power plant following an order by the PSC approving the need for the nuclear power plant shall not constitute or be evidence of imprudence. Imprudence shall not include any cost increases due to events beyond the utility's control. A utility's right to recover costs associated with a nuclear power plant may not be raised in any other forum or in the review of proceedings in such other forum. Costs incurred prior to commercial operation must be recovered pursuant to chapter 366, F.S.

Proposed Situation

The bill exempts IGCC power plants from the bid rule prior to the completion of the project and applies to such plants the same requirements (s. 403.519(4)) applied to nuclear power plants under the 2006 legislation. One effect of these changes will be a reduction in the amount of time necessary to proceed with a hearing.

C. SECTION DIRECTORY:

Section 1. Amends s. 366.93, F.S., to authorize IGCC power plants to recover pre-operational costs of siting, design, licensing, and construction prior to completion of the project.

Section 2. Amends s. 403.519, F.S., to conform the determination of need process for integrated gasification combined cycle plants to those of nuclear power plants and to exempt IGCC plants from the bid rule process.

Section 3. Provides that the bill shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill allows IGCC power plants to recover preconstruction costs prior to completion of the project. These costs will be passed onto ratepayers prior to the completion of the project.

D. FISCAL COMMENTS:

This bill does not appear to have a fiscal impact on state or local governments.

III. COMMENTS

B. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require the counties or cities to spend funds or take any action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

   None.

C. RULE-MAKING AUTHORITY:

The bill adds integrated gasification combined cycle power plants to the Public Service Commission's current rulemaking authority regarding cost recovery mechanisms.

D. DRAFTING ISSUES OR OTHER COMMENTS:

According to information provided by Tampa Electric Company, the provisions enacted for nuclear power plants in 2006 are equally applicable to IGCC power plants:

- IGCC plants are very expensive to construct relative to natural gas combined cycle plants and other alternatives.

- IGCC plants provide fuel diversity and price stability along with reliability which cannot be obtained without the modification of the determination of need statute and the assurance of cost recovery.

The Tampa Electric Company also maintains that there is an urgency to capitalize on the $133.5 million in tax credits that have been awarded by the Federal Internal Revenue Service for a proposed project in Polk County. To be eligible for the tax credits, the IGCC facility must be placed in service within five years of the date of the issuance of the certification which would likely be around November 2013. Otherwise, the tax credits are subject to recapture in accordance with the IRS rules.

E. STATEMENT OF THE SPONSOR

"No statement submitted."

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

A bill to be entitled

An act relating to power plants; amending s. 366.93, F.S.; revising definitions related to certain power plants to include integrated gasification combined cycle power plants; requiring the Public Service Commission to implement rules related to integrated gasification combined cycle power plant cost recovery; requiring a report; amending s. 403.519, F.S.; providing requirements and procedures for determination of need for integrated gasification combined cycle power plants; providing an exemption from purchased power supply bid rules under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 366.93, Florida Statutes, is amended to read:

366.93 Cost recovery for the siting, design, licensing, and construction of nuclear and integrated gasification combined cycle power plants.--

(1) As used in this section, the term:

(a) "Cost" includes, but is not limited to, all capital investments, including rate of return, any applicable taxes, and all expenses, including operation and maintenance expenses, related to or resulting from the siting, licensing, design, construction, or operation of the nuclear or integrated gasification combined cycle power plant.

(b) "Electric utility" or "utility" has the same meaning as that provided in s. 366.8255(1)(a).

(c) "Integrated gasification combined cycle power plant" or "plant" is an electrical power plant as defined in s. 403.503(13) that uses synthesis gas produced by integrated gasification technology.

(d) ~~(c)~~ "Nuclear power plant" or "plant" is an electrical power plant as defined in s. 403.503(13) ~~(12)~~ that uses nuclear materials for fuel.

(e) "Power plant" or "plant" means a nuclear power plant or an integrated gasification combined cycle power plant.

(f) ~~(d)~~ "Preconstruction" is that period of time after a site has been selected through and including the date the utility completes site clearing work. Preconstruction costs shall be afforded deferred accounting treatment and shall accrue a carrying charge equal to the utility's allowance for funds during construction (AFUDC) rate until recovered in rates.

(2) Within 6 months after the enactment of this act, the commission shall establish, by rule, alternative cost recovery mechanisms for the recovery of costs incurred in the siting, design, licensing, and construction of a nuclear or integrated gasification combined cycle power plant. Such mechanisms shall be designed to promote utility investment in nuclear or integrated gasification combined cycle power plants and allow for the recovery in rates of all prudently incurred costs, and shall include, but are not limited to:

(a) Recovery through the capacity cost recovery clause of any preconstruction costs.

(b) Recovery through an incremental increase in the utility's capacity cost recovery clause rates of the carrying costs on the utility's projected construction cost balance associated with the nuclear or integrated gasification combined cycle power plant. To encourage investment and provide certainty, for nuclear or integrated gasification combined cycle power plant need petitions submitted on or before December 31, 2010, associated carrying costs shall be equal to the pretax AFUDC in effect upon this act becoming law. For nuclear or integrated gasification combined cycle power plants for which need petitions are submitted after December 31, 2010, the utility's existing pretax AFUDC rate is presumed to be appropriate unless determined otherwise by the commission in the determination of need for the nuclear or integrated gasification combined cycle power plant.

(3) After a petition for determination of need is granted, a utility may petition the commission for cost recovery as permitted by this section and commission rules.

(4) When the nuclear or integrated gasification combined cycle power plant is placed in commercial service, the utility shall be allowed to increase its base rate charges by the projected annual revenue requirements of the nuclear or integrated gasification combined cycle power plant based on the jurisdictional annual revenue requirements of the plant for the first 12 months of operation. The rate of return on capital investments shall be calculated using the utility's rate of return last approved by the commission prior to the commercial inservice date of the nuclear or integrated gasification

combined cycle power plant. If any existing generating plant is retired as a result of operation of the nuclear or integrated gasification combined cycle power plant, the commission shall allow for the recovery, through an increase in base rate charges, of the net book value of the retired plant over a period not to exceed 5 years.

(5) The utility shall report to the commission annually the budgeted and actual costs as compared to the estimated inservice cost of the nuclear or integrated gasification combined cycle power plant provided by the utility pursuant to s. 403.519(4), until the commercial operation of the nuclear or integrated gasification combined cycle power plant. The utility shall provide such information on an annual basis following the final order by the commission approving the determination of need for the nuclear or integrated gasification combined cycle power plant, with the understanding that some costs may be higher than estimated and other costs may be lower.

(6) In the event the utility elects not to complete or is precluded from completing construction of the nuclear or integrated gasification combined cycle power plant, the utility shall be allowed to recover all prudent preconstruction and construction costs incurred following the commission's issuance of a final order granting a determination of need for the nuclear or integrated gasification combined cycle power plant. The utility shall recover such costs through the capacity cost recovery clause over a period equal to the period during which the costs were incurred or 5 years, whichever is greater. The unrecovered balance during the recovery period will accrue

interest at the utility's weighted average cost of capital as reported in the commission's earnings surveillance reporting requirement for the prior year.

Section 2. Subsection (4) of section 403.519, Florida Statutes, is amended to read:

403.519 Exclusive forum for determination of need.--

(4) In making its determination on a proposed electrical power plant using nuclear materials or synthesis gas produced by integrated gasification combined cycle power plant as fuel, the commission shall hold a hearing within 90 days after the filing of the petition to determine need and shall issue an order granting or denying the petition within 135 days after the date of the filing of the petition. The commission shall be the sole forum for the determination of this matter and the issues addressed in the petition, which accordingly shall not be reviewed in any other forum, or in the review of proceedings in such other forum. In making its determination to either grant or deny the petition, the commission shall consider the need for electric system reliability and integrity, including fuel diversity, the need for base-load generating capacity, and the need for adequate electricity at a reasonable cost.

(a) The applicant's petition shall include:

1. A description of the need for the generation capacity.

2. A description of how the proposed nuclear or integrated gasification combined cycle power plant will enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.

3. A description of and a nonbinding estimate of the cost of the nuclear or integrated gasification combined cycle power plant.

4. The annualized base revenue requirement for the first 12 months of operation of the nuclear or integrated gasification combined cycle power plant.

5. Information on whether there were any discussions with any electric utilities regarding ownership of a portion of the nuclear or integrated gasification combined cycle power plant by such electric utilities.

(b) In making its determination, the commission shall take into account matters within its jurisdiction, which it deems relevant, including whether the nuclear or integrated gasification combined cycle power plant will:

1. Provide needed base-load capacity.

2. Enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.

3. Provide the most cost-effective source of power, taking into account the need to improve the balance of fuel diversity, reduce Florida's dependence on fuel oil and natural gas, reduce air emission compliance costs, and contribute to the long-term stability and reliability of the electric grid.

(c) No provision of rule 25-22.082, Florida Administrative Code, shall be applicable to a nuclear or integrated gasification combined cycle power plant sited under this act, including provisions for cost recovery, and an applicant shall

not otherwise be required to secure competitive proposals for power supply prior to making application under this act or receiving a determination of need from the commission.

(d) The commission's determination of need for a nuclear or integrated gasification combined cycle power plant shall create a presumption of public need and necessity and shall serve as the commission's report required by s. 403.507(4)(a). An order entered pursuant to this section constitutes final agency action. Any petition for reconsideration of a final order on a petition for need determination shall be filed within 5 days after the date of such order. The commission's final order, including any order on reconsideration, shall be reviewable on appeal in the Florida Supreme Court. Inasmuch as delay in the determination of need will delay siting of a nuclear or integrated gasification combined cycle power plant or diminish the opportunity for savings to customers under the federal Energy Policy Act of 2005, the Supreme Court shall proceed to hear and determine the action as expeditiously as practicable and give the action precedence over matters not accorded similar precedence by law.

(e) After a petition for determination of need for a nuclear or integrated gasification combined cycle power plant has been granted, the right of a utility to recover any costs incurred prior to commercial operation, including, but not limited to, costs associated with the siting, design, licensing, or construction of the plant, shall not be subject to challenge unless and only to the extent the commission finds, based on a preponderance of the evidence adduced at a hearing before the

commission under s. 120.57, that certain costs were imprudently incurred. Proceeding with the construction of the nuclear or integrated gasification combined cycle power plant following an order by the commission approving the need for the nuclear or integrated gasification combined cycle power plant under this act shall not constitute or be evidence of imprudence. Imprudence shall not include any cost increases due to events beyond the utility's control. Further, a utility's right to recover costs associated with a nuclear or integrated gasification combined cycle power plant may not be raised in any other forum or in the review of proceedings in such other forum. Costs incurred prior to commercial operation shall be recovered pursuant to chapter 366.

Section 3. This act shall take effect upon becoming a law.

Section-by-Section Summary
Recommendations of Proposed Council Bill ENRC 07-01
Energy Efficiency and Alternative Fuel

Section 1. Amends s. 196.175, F.S. – Solar Property Tax Exemption

The Constitution provides for an ad valorem tax exemption for real property on which a renewable energy source device is installed and operated. In 1980, the Legislature authorized this property tax exemption in statute; however, the exemption period authorized ran from January 1, 1980, through December 31, 1990. Therefore, if an exemption was granted in December 1990, the exemption terminated in December 2000.

The Florida Solar Energy Industries Association reports that property owners who are adding solar energy systems are having their property taxes raised for those improvements, thereby diminishing the savings generated by these systems.

The bill removes the expiration date of the property tax exemption, thereby allowing property owners to once again apply for the exemption. The period for each exemption, however, remains at 10 years. The bill also revises the options for calculating the property assessments for those properties with renewable energy source devices by limiting the exemption to the amount of the original cost of the device, including the installation cost, but not including the cost of replacing previously existing property that had to be removed for the new installation.

Section 2. Amends s. 212.08(7)(ccc), F.S. – Sales Tax Exemption for Renewable Energy

- ✓ Increases the cap on sales tax exemption from $1 million to $2 million for renewable energy.
- ✓ Limits sales tax exemption for renewable energy technologies to only the end user of the equipment.

Section 3. Creates s. 212.086, F.S. – Energy Efficient Motor Vehicle Sales Tax Refund Program

The bill creates the Energy Efficient Motor Vehicle Sales Tax Refund Program under which any new hybrid or qualified alternative fuel motor vehicle is eligible for a sales tax refund for up to $15,000 of the purchase price. The program is repealed on July 1, 2010.

The Revenue Estimating Conference estimates a negative $25.2 million impact on the state for FY 2007-2008.

Section 4. Creates s. 212.099, F.S. - Biofuel Sales Tax Credit Program

Florida consumes more than 10.4 billion gallons of petroleum each year (8.6 billion gallons of gasoline and 1.8 billion gallons of diesel). There is limited production/availability of ethanol and biodiesel in the state. Providing incentives in the form of tax credits to producers and retailers of ethanol and biodiesel will result in these products being more readily available, thus helping to replace the amount of petroleum consumed and dependency on foreign oil. The draft recommendations provide incentives for 200 million gallons of biofuel production and the sale of approximately 1 billion gallons of biofuel blended fuel.

- ✓ Establishes standards for replacing petroleum consumption w/ethanol and biodiesel.
- ✓ Establishes the tax credit for a retail dealer for the sale of biofuels through 2012.
- ✓ Provides a $10 million annual cap on the tax credits.
- ✓ Repeals tax credit program on June 30, 2012.

Section 5. Adds s. 213.053(8)(z), F.S. - Confidentiality and Information Sharing

Provides for confidentiality of information relating to Biofuel Sales Tax Credit and Biofuel Production Credit.

Section 6. Amends s. 220.02(8), F.S. – Legislative Intent

Includes Biofuel Production Tax Credit in legislative intent in reference to credits against either the corporate income tax or the franchise tax.

Section 7. Amends s. 220.13(1)(a), F.S. – Adjusted Federal Income

Requires the taxpayer participating in the biofuel tax credit program to add back to net income that portion of its business deductions claimed on its federal return paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under the Florida Biofuel Production Credit.

Section 8. Amends s. 220.192, F.S. - Renewable Energy Technologies Investment Tax Credit

- ✓ Increases the cap from $6.5 million to $13 million on corporate income tax credits provided under the Renewable Energy Corporate Tax Program.
- ✓ Creates a definition for "corporation" for purposes of allowing a tax credit to be transferred.

Section 9. Creates s. 220.194, F.S. - Florida Biofuel Production Credit

- ✓ Provides a corporate income tax credit to producers of biofuel.
- ✓ Provides a $10 million annual cap on the corporate income tax credit.
- ✓ Applies to tax years beginning on and after January 1, 2008 and continuing until 2012.
- ✓ Provides that this section shall take effect upon becoming a law.

Sections 10-14. Amend ss. 255.251, 255.252, 255.253, 255.254, and 255.255, F.S. - Energy Conservation and Sustainable Buildings

These sections change the Energy Conservation in Buildings Act of 1974 to:
- ✓ Add greater focus on LEEDs standards for state-owned and constructed buildings in the findings and intent section.
- ✓ Require all state agencies to provide the Department of Management Services (DMS) with a list of their existing buildings that are suitable for guaranteed energy performance savings contracts.
- ✓ Require DMS to create a schedule with deadlines for guaranteed energy performance savings contracts to improve existing state agency buildings after receiving the lists of suitable facilities from the state agencies.

Section 15. Amends s. 287.064, F.S. – Consolidated financing of deferred-payment purchases

Changes the maximum financing period of Consolidated Financing of Deferred Payment Purchases under the state's line of credit from 10 to 20 years for guaranteed energy performance savings contracts.

Section 16. Amends s. 377.802, F.S. – Designates October as "Energy Efficiency and Conservation Month"

In order to promote efficiency and conservation of the state's resources, the bill designates the Month of October as "Energy Efficiency and Conservation Month."

Section 17. Amends s. 377.803, F.S. – Definitions under the Renewable Energy Technologies Grant Program

Includes definition of "bioenergy" to mean useful, renewable energy produced from organic matter – the conversion of the complex carbohydrates in organic matter to energy.

Section 18. Amends s. 377.804, F.S. – Renewable Energy Technologies Grants Program

Deletes provisions relating to the bioenergy grant projects under the Renewable Energy Technologies Grants Program. Transfers program to the Farm-to-Fuel Grants Program established in **Section 36**.

Section 19. Amends s. 377.806, F.S. – Solar Energy System Incentives Program

In 2006, the Legislature created a solar energy system rebate program to provide financial incentives for the purchase and installation of solar energy systems. Last year, $2.5 million was appropriated for the rebate program.

- ✓ Limits payment of rebate only to the final purchaser.
- ✓ Limits rebates to one per type of system, per resident, per state fiscal year.

Sections 20-25. Amend ss. 403.50663, 403.50665, 403.508, 403.509, 403.5113, and 403.5115, F.S. - Power Plant Siting Act (PPSA)

- ✓ Revises provisions to provide broader public notice of PPSA applications and meetings.
- ✓ Revises provisions for land use consistency determination petitions.
- ✓ Specifies how to handle property rights of agencies when the department is issuing the final order.
- ✓ Clarifies language regarding post certification activities.

Sections 26-30. Amend ss. 403.5252, 403.527, 403.5271, 403.5317, and 403.5363, F.S. - Transmission Line Siting Act (TLSA)

- ✓ Clarifies language regarding agency completeness statements and the determination of completeness by the Department of Environmental Protection.
- ✓ Makes technical changes regarding hearings and public notice of hearings.
- ✓ Clarifies and revises language regarding alternate corridors completeness determinations.

Section 31. Amends s. 489.145, F.S. - Guaranteed Energy Performance Savings Contracting

This section changes the Guaranteed Energy Performance Savings Contracting Act (GEPSCA) to:
- ✓ Clarify the intent to provide greater flexibility for facility improvements that produce energy cost savings and energy conservation.
- ✓ Provide the CFO more authority to review the financing and guaranteed costs in GEPSCA contracts.
- ✓ Prohibit cost avoidance and payments that are graduated over time as GEPSCA financing methods.
- ✓ Provide the CFO and DMS greater responsibility for the GEPSCA Model Contract so that they have greater flexibility to make revisions.

Section 32. Amends s. 526.302, F.S. - Legislative Findings and Intent

Provides legislative intent in reference to motor fuel competition to facilitate compliance with federal Energy Policy and standards created in the biofuel sales tax credit provisions.

Section 33. Amends s. 526.303, F.S. – Definitions under the Motor Fuel Marketing Practices Act

Revises the definition of "motor fuel" to mean any petroleum product containing less than 10% by volume of ethanol or biodiesel.

Section 34. Amends s. 526.309, F.S. – Motor Fuel Marketing Practices Act

Provides exemption from the Motor Fuel Marketing Practices Act for the sale of ethanol blend, biodiesel, and biodiesel blend.

Section 35. Creates s. 570.956, F.S. – Farm-to-Fuel Advisory Council

Establishes a 13-member Farm-to-Fuel Advisory Council to advise the Commissioner of Agriculture concerning the production of renewable energy.

Section 36. Creates s. 570.957, F.S. – Farm-to-Fuel Grants Program

Transfers administration of the Bioenergy Grant Program to the Department of Agriculture and Consumer Services (similar language was transferred from s. 377.084, F.S., the Renewable Energy Technologies Grant Program).

Section 37. Undesignated section - Mandate that all county, municipal, and school district buildings be constructed to meet LEED standards

This section mandates that all county, municipal, and school district buildings are constructed using the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) standards for building construction. This section also declares that promoting LEEDs standards is an important state interest.

Section 38. Undesignated section – Additional Duties of the Florida Building Commission include:

- ✓ Convening a workgroup to develop a model residential energy efficiency ordinance that provides incentives to meet energy efficiency standards. Requires the commission to report back to the Legislature by July 1, 2008.
- ✓ Reviewing the Florida Energy Code for Building Construction. Requires the commission to revisit the analysis of cost effectiveness that serves as the basis for energy efficiency levels for residential buildings, identify cost effective means to improve energy efficiency in commercial buildings, and compare to the International Conservation Code and the American Society of Heating Air-Conditioning and Refrigeration Engineers Standards and report back to the Legislature with a standard by March 1, 2008 that may be adopted for the construction of all residential, commercial, and government buildings.
- ✓ Developing a public awareness campaign by January 1, 2008, that promotes energy efficiency and the benefits of "building green."

Section 39. Undesignated section - Energy-Efficient Sales Tax Holiday

The bill reauthorizes last year's Energy Efficient Products Sales Tax Holiday and increases the length of the holiday from 7 to 14 days, beginning October 1st and ending October 14th. It removes the restrictions from the commercial sector so that contractors and businesses can take advantage of the sales tax exemptions, as well. Further, this section allows for the exemption to apply to the first $1,500 of the sales price of an Energy Star appliance rather than limiting the exemption to products priced at $1,500 and below. Therefore, if the product is priced at $1,600, only the last $100 is taxable.

The bill appropriates $65,763 of General Revenue to the Department of Revenue to administer the holiday. According to the department, funding is needed for printing and mailing a "Taxpayer Information Publication" to retailers with information regarding the holiday.

Section 40. Undesignated section - State Fleet Biodiesel Usage

Provides standards for State Fleet Biodiesel Usage, subject to availability:

- ✓ Minimum of 5% by July 1, 2007
- ✓ Minimum of 10% by January 1, 2008
- ✓ Minimum of 20% by January 1, 2009

Section 41. Undesignated section – School District Biodiesel Usage

Provides School District Biodiesel Usage of a minimum of 20% by January 1, 2008, subject to availability.

Section 42. Except as otherwise provided, the act shall take effect July 1, 2007.

A bill to be entitled

An act relating to energy efficiency and alternative fuel; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 196.175, Florida Statutes, is amended to read:

196.175 Renewable energy source exemption.--

(1) Improved real property upon which a renewable energy source device is installed and operated shall be entitled to an exemption in the amount of the original cost of the device, including the installation cost thereof, but excluding the cost of replacing previously existing property removed or improved in the course of such installation. ~~not greater than the lesser of:~~

~~(a) The assessed value of such real property less any other exemptions applicable under this chapter;~~

~~(b) The original cost of the device, including the installation cost thereof, but excluding the cost of replacing previously existing property removed or improved in the course of such installation; or~~

~~(c) Eight percent of the assessed value of such property immediately following installation.~~

(2) The exempt amount authorized under subsection (1) shall apply in full if the device was installed and operative throughout the 12-month period preceding January 1 of the year of application for this exemption. If the device was operative for a portion of that period, the exempt amount authorized under this section shall be reduced proportionally.

(3) It shall be the responsibility of the applicant for an exemption pursuant to this section to demonstrate affirmatively to the satisfaction of the property appraiser that he or she meets the requirements for exemption under this section and that the original cost ~~pursuant to paragraph (1)(b)~~ and the period for which the device was operative, as indicated on the exemption application, are correct.

(4) No exemption authorized pursuant to this section shall be granted for a period of more than 10 years. ~~No exemption shall be granted with respect to renewable energy source devices installed before January 1, 1980, or after December 31, 1990.~~

Section 2. Paragraph (ccc) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the

department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ccc) Equipment, machinery, and other materials for renewable energy technologies.--

1. As used in this paragraph, the term:

a. "Biodiesel" means the mono-alkyl esters of long-chain fatty acids derived from plant or animal matter for use as a source of energy and meeting the specifications for biodiesel and biodiesel blends with petroleum products as adopted by the Department of Agriculture and Consumer Services. Biodiesel may refer to biodiesel blends designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend.

b. "Ethanol" means nominally anhydrous denatured alcohol produced by the fermentation of plant sugars meeting the specifications for fuel ethanol and fuel ethanol blends with petroleum products as adopted by the Department of Agriculture and Consumer Services. Ethanol may refer to fuel ethanol blends designated EXX, where XX represents the volume percentage of fuel ethanol in the blend.

c. "Hydrogen fuel cells" means equipment using hydrogen or a hydrogen-rich fuel in an electrochemical process to generate energy, electricity, or the transfer of heat.

2. The sale or use of the following in the state is exempt from the tax imposed by this chapter:

a. Hydrogen-powered vehicles, materials incorporated into hydrogen-powered vehicles, and hydrogen-fueling stations, up to a limit of $2 million in tax each state fiscal year for all taxpayers.

b. Commercial stationary hydrogen fuel cells, up to a limit of $1 million in tax each state fiscal year for all taxpayers.

c. Materials used in the distribution of biodiesel (B10-B100) and ethanol (E10-100), including fueling infrastructure, transportation, and storage, up to a limit of $2 ~~$1~~ million in tax each state fiscal year for all taxpayers. Gasoline fueling station pump retrofits for ethanol (E10-E100) distribution qualify for the exemption provided in this sub-subparagraph.

3. The Department of Environmental Protection shall provide to the department a list of items eligible for the exemption provided in this paragraph.

4. The exemption provided in this paragraph shall be available only to the end user of the equipment, machinery, and other materials.

5.~~4.~~a. The exemption provided in this paragraph shall be available to a purchaser only through a refund of previously paid taxes.

b. To be eligible to receive the exemption provided in this paragraph, a purchaser shall file an application with the Department of Environmental Protection. The application shall be developed by the Department of Environmental Protection, in consultation with the department, and shall require:

(I) The name and address of the person claiming the refund.

(II) A specific description of the purchase for which a refund is sought, including, when applicable, a serial number or other permanent identification number.

(III) The sales invoice or other proof of purchase showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

(IV) A sworn statement that the information provided is accurate and that the requirements of this paragraph have been met.

c. Within 30 days after receipt of an application, the Department of Environmental Protection shall review the application and shall notify the applicant of any deficiencies. Upon receipt of a completed application, the Department of Environmental Protection shall evaluate the application for exemption and issue a written certification that the applicant is eligible for a refund or issue a written denial of such certification within 60 days after receipt of the application. The Department of Environmental Protection shall provide the department with a copy of each certification issued upon approval of an application.

d. Each certified applicant shall be responsible for forwarding a certified copy of the application and copies of all required documentation to the department within 6 months after certification by the Department of Environmental Protection.

e. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval by the department.

f. The department may adopt all rules pursuant to ss. 120.536(1) and 120.54 to administer this paragraph, including rules establishing forms and procedures for claiming this exemption.

g. The Department of Environmental Protection shall be responsible for ensuring that the total amounts of the exemptions authorized do not exceed the limits as specified in subparagraph 2.

6.~~5.~~ The Department of Environmental Protection shall determine and publish on a regular basis the amount of sales tax funds remaining in each fiscal year.

7.~~6.~~ This paragraph expires July 1, 2010.

Section 3. Section 212.086, Florida Statutes, is created to read:

212.086 Energy Efficient Motor Vehicle Sales Tax Refund Program.--

(1) The Energy Efficient Motor Vehicle Sales Tax Refund Program is established to provide financial incentives for the purchase of alternative motor vehicles as specified by this section.

(2) Any person who purchases an alternative motor vehicle from a sales tax dealer in the state is eligible for a refund of the sales tax paid under this chapter. The sales tax that is eligible for refund shall be computed on the sales price of the alternative motor vehicle up to a maximum sales price of $15,000.

(3) In order to qualify for the sales tax refund under this section, the alternative motor vehicle must be certified as a new qualified hybrid motor vehicle, new qualified alternative fuel motor vehicle, new qualified fuel cell motor vehicle, or new

advanced lean-burn technology motor vehicle by the Internal Revenue Service for the income tax credit for alternative motor vehicles under s. 30B of the Internal Revenue Code of 1986, as amended.

(4) Notwithstanding ss. 212.095 and 215.26, an application for refund must be filed with the department within 90 days after purchase of the alternative motor vehicle and must contain the following:

(a) The name and address of the person claiming the refund.

(b) A specific description of the alternative motor vehicle for which a refund is sought, including the vehicle identification number.

(c) The sales invoice or other proof of purchase showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the alternative motor vehicle was purchased.

(d) A sworn statement that the information provided is accurate and that the requirements of this section have been met.

(5) The total dollar amount of all refunds issued by the department is limited to the total amount of appropriations in any fiscal year for this program. The department may approve refunds up to the amount appropriated for this refund program based on the date of filing an application for refund pursuant to subsection (4). If the funds are insufficient during the current fiscal year, any requests for refund received during that fiscal year may be processed during the following fiscal year, subject to the appropriation, and have priority over new applications for refund filed in the following fiscal year. The provisions of s.

213.255 do not apply to requests for refund which are held for payment in the following fiscal year.

(6) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules establishing forms and procedures for claiming this refund.

(7) A taxpayer who receives a refund pursuant to s. 212.08(7)(ccc) may not be allowed a refund provided in this section.

(8) This section is repealed July 1, 2010.

Section 4. Section 212.099, Florida Statutes, is created to read:

212.099 Biofuel Sales Tax Credit Program.--

(1) The purpose of this section is to encourage the sale of biofuels in Florida and replace petroleum consumption in the state as follows:

(a) 3% from January 1, 2008 through December 31, 2008;

(b) 5% from January 1, 2009 through December 31, 2009;

(c) 7% from January 1, 2010 through December 31, 2010;

(d) 10% from January 1, 2011 through December 31, 2011.

(2) Definitions.—As used in this section:

(a) "Fuel dispenser" means a pump, meter, or similar device used to measure and deliver motor fuel or diesel fuel on a retail basis.

(b) "Retail dealer" means any person who is engaged in the business of selling fuel at retail at posted retail prices.

(c) "Biodiesel" means any product made from non-petroleum-based lipids, which is suitable for blending with diesel fuels and meeting the specifications for biodiesel as adopted by the Department of Agriculture and Consumer Services.

(d) "Biofuel" means E85 fuel ethanol, E10 motor fuel, biodiesel and biodiesel blended fuel.

(e) "E85 fuel ethanol" means ethanol blended with gasoline and formulated with a nominal percentage of eighty-five percent ethanol by volume, and meeting the applicable fuel quality specifications as adopted by the Department of Agriculture and Consumer Services.

(f) "E10 motor fuel" means a motor fuel blend consisting of nominal percentages of ninety percent gasoline by volume and ten percent ethanol by volume, and meeting the fuel quality specifications for gasoline as adopted by the Department of Agriculture and Consumer Services.

(g) "Biodiesel blended fuel" means a fuel mixture containing ten percent or more biodiesel with the balance comprised of diesel fuel, and meeting the specifications for biodiesel blends as adopted by the Department of Agriculture and Consumer Services.

(h) "Ethanol or fuel ethanol" means an anhydrous denatured alcohol produced by the conversion of carbohydrates, and meeting the specifications for fuel ethanol as adopted by the Department of Agriculture and Consumer Services.

(i) "Retail motor fuel site" means a geographic location in this state where a retail dealer sells or offers for sale motor fuel or diesel fuel to the general public.

(3)(a) A retail dealer who sells biofuel through fuel dispensers at retail motor fuel sites is entitled to a tax credit under this section.

(b) The credit shall be computed as follows:

1. A credit of $.01 for each gallon of E10 motor fuel sold through a fuel dispenser.

2. A credit of $.03 for each gallon of E85 fuel ethanol sold through a fuel dispenser;

3. A credit of $.01 for each gallon of biodiesel blended fuel sold through a fuel dispenser;

4. A credit of $.03 for each gallon of biodiesel sold through a fuel dispenser.

(c) The credit may be claimed for biofuel sold on or after January 1, 2008. Beginning in 2009 and continuing until 2012, each applicant claiming a credit under this section must first apply to the Department of Agriculture and Consumer Services by February 1 of each year for an allocation of the available credit for the preceding calendar year. The Department of Agriculture and Consumer Services, in consultation with the department, shall develop an application form. The application form shall, at a minimum, require a sworn affidavit from each retail dealer certifying the following information:

1. The name and principal address of the retail dealer;

2. The address of the retail dealer's retail motor fuel sites from which it sold biofuels during the preceding calendar year;

3. The total gallons of E10 ethanol sold through fuel dispensers;

4. The total gallons of E85 ethanol sold through fuel dispensers;

5. The total gallons of biodiesel blended fuel sold through fuel dispensers;

6. The total gallons of biodiesel sold through fuel dispensers.

7. Any other information deemed necessary by the Department of Agriculture and Consumer Services to adequately ensure that the tax credit allowed under this section shall be made only to qualified Florida retail dealers.

(d) The Department of Agriculture and Consumer Services shall determine the amount of credit allowed under this section, and certify the names and final credit amounts to the department. Upon receipt of the certified information by the department, the qualified retail dealers shall be allowed a credit against the tax remitted under this chapter. The Department of Agriculture and Consumer Services shall provide assistance when requested by the department on any audits or examinations performed pursuant to this section. The Department of Agriculture and Consumer Services is authorized to adopt rules governing the manner and form of applications for credit for the determination of this credit.

(4) If the amount of credits applied for each year exceeds $10 million, the Department of Agriculture and Consumer Services shall award to each applicant a prorated amount based on each applicant's gallonage of qualified biofuel sold and dispensed that is eligible for the tax credit under this section.

(5) Any unused tax credit granted pursuant to this section may be carried forward for a period not to exceed 5 years.

(6) It is the responsibility of each retail dealer to affirmatively demonstrate to the satisfaction of the Department of Agriculture and Consumer Services and the department that it meets the requirements of this section. The department may adopt

rules and may establish guidelines as to the requisites for an affirmative showing of qualification for the credit under this section.

(7) This section is repealed on June 30, 2012.

Section 5. Paragraph (z) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.--

(8) Notwithstanding any other provision of this section, the department may provide:

(z) Information relative to ss. 212.099 and 220.194 to the Department of Agriculture and Consumer Services for use in the conduct of its official business.

Section 6. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.--

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.187, those enumerated in s. 220.192, ~~and~~ those enumerated in s. 220.193, and those enumerated in s. 220.194.

Section 7. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.--

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.--There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or

incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

12. A taxpayer claiming the credit under s. 220.194 shall be required to add back to net income that portion of its business deductions claimed on its federal return paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.194.

13.~~12.~~ The amount taken as a credit for the taxable year

under s. 220.192.

14.~~13.~~ The amount taken as a credit for the taxable year under s. 220.193.

Section 8. Paragraph (b) of subsection (1) of section 220.192, Florida Statutes, is amended, paragraph (e) is added to subsection (1), and subsection (8) is added to that section, to read:

220.192 Renewable energy technologies investment tax credit.--

(1) DEFINITIONS.--For purposes of this section, the term:

(b) "Eligible costs" means:

1. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of $3 million per state fiscal year for all taxpayers, in connection with an investment in hydrogen-powered vehicles and hydrogen vehicle fueling stations in the state, including, but not limited to, the costs of constructing, installing, and equipping such technologies in the state.

2. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of $1.5 million per state fiscal year for all taxpayers, and limited to a maximum of $12,000 per fuel cell, in connection with an investment in commercial stationary hydrogen fuel cells in the state, including, but not limited to, the costs of constructing, installing, and equipping such technologies in the state.

3. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred

between July 1, 2006, and June 30, 2010, up to a limit of $13 ~~$6.5~~ million per state fiscal year for all taxpayers, in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100) and ethanol (E10-E100) in the state, including the costs of constructing, installing, and equipping such technologies in the state. Gasoline fueling station pump retrofits for ethanol (E10-E100) distribution qualify as an eligible cost under this subparagraph.

(e) "Corporation" means all general partnerships, limited partnerships, limited liability companies, unincorporated businesses, and all other business entities in which a taxpayer owns an interest and which are taxed as partnerships or are disregarded as separate entities from the taxpayer for tax purposes. Tax credits derived by such entities treated as corporations pursuant to this provision that are not transferred by such entities to other taxpayers pursuant to clause (9) herein below shall be passed through to the taxpayers designated as partners, members or owners, respectively, in any manner agreed to by such persons, whether or not such persons are allocated or allowed any portion of the federal energy tax credit with respect to the eligible costs.

(8) TRANSFERABILITY OF CREDIT.--

(a) Transferors, Transferees. --Any corporation and any subsequent transferee allowed the tax credit may transfer the tax credit, in whole or in part, to any taxpayer by written agreement, without the requirement of transferring any ownership interest in the property generating the tax credit or any interest in the entity which owns the property. Transferees are

entitled to apply the credits against the tax with the same effect as if the transferee had incurred the eligible costs.

(b) Notice, Transfer Statement and Certificate. To perfect the transfer, the transferor shall provide a written transfer statement providing notice to the Department of Revenue of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, federal taxpayer identification number and tax period and the amount of tax credits to be transferred. The Department of Revenue shall promulgate the form of transfer statement to be filed by the transferor of the tax credit. The Department of Revenue shall issue, upon receipt of a transfer statement conforming to the requirements of this section, a certificate to the assignee reflecting the tax credit amounts transferred, a copy of which shall be attached to each tax return by an assignee in which such tax credits are used.

Section 9. Effective upon becoming a law, section 220.194, Florida Statutes, is created to read:

220.194 Florida biofuel production credit.--

(1) The purpose of this section is to encourage the development and expansion of facilities that produce biofuels in Florida.

(2) As used in this section, the term:

(a) "Biodiesel" means any product made from non-petroleum-based lipids, which is suitable for blending with diesel fuels and meets the specifications for biodiesel as adopted by the Department of Agriculture and Consumer Services.

(b) "Biofuel" means ethanol or biodiesel.

(c) "Department" shall mean the Department of Revenue.

(d) "Ethanol or fuel ethanol" means an anhydrous denatured alcohol produced by the conversion of carbohydrates and meeting the specifications for fuel ethanol adopted by the Department of Agriculture and Consumer Services.

(e) "Florida biofuel production" shall mean production in the state of ethanol from sources other than corn, and production of biodiesel from waste materials.

(3) In order to be eligible for the corporate income tax credit provided herein, a producer must have registered and have met the requirements contained in Chapter 206, Florida Statutes.

(4) A corporate income tax credit against the tax imposed by this section shall be allowed to a producer based on Florida biofuel production.

(a) The credit against corporate income tax shall be $0.05 for each gallon of unblended Florida biofuel production (exclusive of denaturant) during a given tax year and sold to an unrelated blender of biofuel.

(b) The credit may be claimed for production on or after January 1, 2008. Beginning in 2009 and continuing until 2012, each taxpayer claiming a credit under this section must first apply to the department by February 1 of each year for an allocation of available credit. The department, in consultation with the Department of Agriculture and Consumer Services, shall develop an application form. The application form shall, at a minimum, require a sworn affidavit from each taxpayer certifying the production that forms the basis of the application and certifying that all information contained in the application is true and correct.

(c) The Department of Agriculture and Consumer Services

shall determine whether or not such production is eligible for the corporate income tax credit under this section and certify that amount to the department. A producer must attach the certification of the Department of Agriculture and Consumer Services to the application for corporate income tax credit filed with the department. The Department of Agriculture and Consumer Services shall provide assistance when requested by the department on any audits or examinations performed pursuant to this section. The Department of Agriculture and Consumer Services is authorized to adopt the necessary rules, forms, guidelines, standards, and application materials necessary for a determination of this credit.

(d) If the amount of corporate income tax credits applied for each year exceeds $10 million, the department shall award to each applicant a prorated amount based on each applicant's production and production of all applicants.

(e) If the corporate income tax credit granted pursuant to this section is not fully used in one year because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year, after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(f) A taxpayer that files a consolidated return in this state as a member of an affiliated group under s. 220.131(1) may be allowed the corporate income tax credit on a consolidated return basis up to the amount of Florida corporate income tax imposed upon the consolidated group.

(g)1. Corporate income tax credits granted under this section to a producer eligible under this section may be transferred after a merger or acquisition to the surviving or acquiring entity and used in the same manner with the same limitations.

2. A producer may transfer any unused corporate income tax credit in whole or in units of no less than 25 percent. The entity acquiring such credit may use it in the same manner and with the same limitations under this section. Such transferred credits may not be transferred again although they may succeed to a surviving or acquiring entity subject to the same conditions and limitations as described in this section.

3. In the event the credit provided for under this section is reduced as a result of an examination or audit by the department, such tax deficiency shall be recovered from the first entity or the surviving or acquiring entity to have claimed such credit up to the amount of credit taken. Any subsequent deficiencies shall be assessed against any entity acquiring and claiming such credit, or in the case of multiple succeeding entities in the order of credit succession.

(h) Notwithstanding any other provision of this section, credits for Florida biofuel production may be earned between January 1, 2008 and December 31, 2011. The combined total amount of tax credits which may be granted for all producers under this section is limited to $10 million per state fiscal year.

(i) A producer claiming a credit under this section shall be required to add back to net income that portion of its business deductions claimed on its federal return paid or incurred for the taxable year which is equal to the amount of the

credit allowable for the taxable year under this section.

(5) The department may adopt rules to implement and administer this section, including rules prescribing forms, the documentation needed to substantiate a claim for the tax credit, and the specific procedures and guidelines for claiming the credit.

(6) This section shall apply to tax years beginning on and after January 1, 2008.

Section 10. Section 255.251, Florida Statutes, is amended to read:

255.251 Energy Conservation and Sustainable ~~in~~ Buildings Act; short title.--This act shall be cited as the "Florida Energy Conservation in Buildings Act of 1974."

Section 11. Section 255.252, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

255.252 Findings and intent.--

(1) Operating and maintenance expenditures associated with energy equipment and with energy consumed in state-financed and leased buildings represent a significant cost over the life of a building. Energy conserved by appropriate building design not only reduces the demand for energy but also reduces costs for building operation. ~~For example, commercial buildings are estimated to use from 20 to 80 percent more energy than would be required if energy-conserving designs were used.~~ The size, design, orientation, and operability of windows, the ratio of ventilating air to air heated or cooled, the level of lighting consonant with space-use requirements, the handling of occupancy loads, and the ability to zone off areas not requiring equivalent

levels of heating or cooling are but a few of the considerations necessary to conserving energy.

(2) Significant efforts are needed to build energy efficient state-owned buildings, which meet environmental standards. ~~underway by the General Services Administration, the National Institute of Standards and Technology, and others to detail the considerations and practices for energy conservation in buildings.~~ Most important is that energy-efficient designs provide energy savings over the life of the building structure. ~~Conversely, energy-inefficient designs cause excess and wasteful energy use and high costs over that life.~~ With buildings lasting many decades and with energy costs escalating rapidly, it is essential that the costs of operation and maintenance for energy-using equipment and sustainable materials be included in all design proposals for state-owned buildings.

(3) In order that such energy-efficiency and sustainable materials considerations become a function of building design, and also a model for future application in the private sector, it shall be the policy of the state that buildings constructed and financed by the state be designed and constructed to follow the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) process to obtain certification. ~~in a manner which will minimize the consumption of energy used in the operation and maintenance of such buildings.~~ It is further the policy of the state, when economically feasible, to retrofit existing state-owned buildings in a manner which will minimize the consumption of energy used in the operation and maintenance of such buildings.

(4) In addition to designing and constructing new buildings to be energy-efficient, it shall be the policy of the state to operate, maintain, and renovate existing state-owned facilities, or provide for their renovation, in a manner which will minimize energy consumption and maximize their sustainability as well as ensure that facilities leased by the state are operated so as to minimize energy use. Agencies are encouraged to consider shared savings financing of such energy projects, using contracts which split the resulting savings for a specified period of time between the agency and the private firm or cogeneration contracts which otherwise permit the state to lower its energy costs. Such energy contracts may be funded from the operating budget.

(5) All state agencies must identify and compile a list of all state-owned buildings within its inventory that would be suitable for a guaranteed energy performance savings contract pursuant to s. 489.145. Such list shall be submitted to the Department of Management Services by December 31, 2007, and shall include all facilities over five thousand square feet in area, and which the agency is responsible for the expenses of utilities and other operating expenses as they relate to energy use. In consultation with each department secretary or director, by March 1, 2008, the Department of Management Services shall evaluate each agency's facilities suitable for energy conservation projects, and shall develop an energy efficiency project schedule based on factors such as project magnitude, efficiency and effectiveness of energy conservation measures to be implemented, and other factors which may prove to be advantageous to pursue. Such schedule shall provide the deadline for guaranteed energy

performance savings contract improvements to be made to the state-owned buildings.

Section 12. Subsection (6) is added to section 255.253, Florida Statutes, to read:

255.253 Definitions; ss. 255.251-255.258.--

(6) "Sustainable Building" means a building that is healthy and comfortable for its occupants and is economical to operate, conserving resources (including energy, water, raw materials and land) and minimizes the generation of toxic materials and waste in its design, construction, landscaping, and operation.

Section 13. Section 255.254, Florida Statutes, is amended to read:

255.254 No facility constructed or leased without life-cycle costs.--

(1) No state agency shall ~~lease,~~ construct, or have constructed, within limits prescribed herein, a facility without having secured from the department an ~~proper~~ evaluation of life-cycle costs based on LEED standards.~~, as computed by an architect or engineer.~~ Furthermore, construction shall proceed only upon disclosing, for the facility chosen, the life-cycle costs as determined in s. 255.255, its LEED Green Building Rating and the capitalization of the initial construction costs of the building. The life-cycle costs shall be a primary consideration in the selection of a building design in addition to its LEED Green Building Rating. ~~Such analysis shall be required only for construction of buildings with an area of 5,000 square feet or greater.~~ For leased buildings 5,000 square feet or greater ~~areas of 20,000 square feet or greater~~ within a given building boundary, an energy performance analysis ~~a life-cycle analysis~~

shall be performed, and a lease shall only be made where there is a showing that the energy ~~life-cycle~~ costs incurrent by the state are minimal compared to available like facilities.

(2) On and after January 1, 1979, no state agency shall initiate construction or have construction initiated, prior to approval thereof by the department, on a facility or self-contained unit of any facility, the design and construction of which incorporates or contemplates the use of an energy system other than a solar energy system when the life-cycle costs analysis prepared by the department has determined that a solar energy system is the most cost-efficient energy system for the facility or unit.

(3) After September 30, 1985, when any state agency must replace or supplement major items of energy-consuming equipment in existing state-owned ~~or leased~~ facilities or any self-contained unit of any facility with other major items of energy-consuming equipment, the selection of such items shall be made on the basis of a life-cycle cost analysis of alternatives in accordance with rules promulgated by the department under s. 255.255.

Section 14. Subsection (1) of section 255.255, Florida Statutes, is amended to read:

255.255 Life-cycle costs.--

(1) The department shall promulgate rules and procedures, including energy conservation performance guidelines based on LEED standards, for conducting a life-cycle cost analysis of alternative architectural and engineering designs and alternative major items of energy-consuming equipment to be retrofitted in existing state-owned or leased facilities and for developing

energy performance indices to evaluate the efficiency of energy utilization for competing designs in the construction of state-financed and leased facilities.

Section 15. Subsection (10) of section 287.064, Florida Statutes, is amended to read:

287.064 Consolidated financing of deferred-payment purchases.--

(10) Costs incurred pursuant to a guaranteed energy performance savings contract, including the cost of energy conservation measures, each as defined in s. 489.145, may be financed pursuant to a master equipment financing agreement; however, the costs of training, operation, and maintenance may not be financed. The period of time for repayment of the funds drawn pursuant to the master equipment financing agreement under this subsection may exceed 5 years but may not exceed 20 ~~10~~ years.

Section 16. Section 377.802, Florida Statutes, is amended to read:

377.802 Purposes ~~Purpose~~.--

(1) This act is intended to provide matching grants to stimulate capital investment in the state and to enhance the market for and promote the statewide utilization of renewable energy technologies. The targeted grants program is designed to advance the already growing establishment of renewable energy technologies in the state and encourage the use of other incentives such as tax exemptions and regulatory certainty to attract additional renewable energy technology producers, developers, and users to the state.

(2) This act is ~~also~~ intended to provide incentives for the purchase of energy-efficient appliances and rebates for solar energy equipment installations for residential and commercial buildings. In order to promote energy efficiency and conservation of the state's resources, the month of October shall annually be designated "Energy Efficiency and Conservation Month."

Section 17. Section 377.803, Florida Statutes, is amended to read:

377.803 Definitions.--As used in ss. 377.801-377.806, the term:

(1) "Act" means the Florida Renewable Energy Technologies and Energy Efficiency Act.

(2) "Approved metering equipment" means a device capable of measuring the energy output of a solar thermal system that has been approved by the commission.

(3) "Bioenergy" means useful, renewable energy produced from organic matter - the conversion of the complex carbohydrates in organic matter to energy. Organic matter may either be used directly as a fuel, processed into liquids and gasses, or be a residual of processing and conversion.

(4)~~(3)~~ "Commission" means the Florida Public Service Commission.

(5)~~(4)~~ "Department" means the Department of Environmental Protection.

(6)~~(5)~~ "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.

(7)~~(6)~~ "Renewable energy" means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(8)~~(7)~~ "Renewable energy technology" means any technology that generates or utilizes a renewable energy resource.

(9)~~(8)~~ "Solar energy system" means equipment that provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications that would normally require a conventional source of energy such as petroleum products, natural gas, or electricity that performs primarily with solar energy. In other systems in which solar energy is used in a supplemental way, only those components that collect and transfer solar energy shall be included in this definition.

(10)~~(9)~~ "Solar photovoltaic system" means a device that converts incident sunlight into electrical current.

(11)~~(10)~~ "Solar thermal system" means a device that traps heat from incident sunlight in order to heat water

Section 18. Section 377.804, Florida Statutes, is amended to read:

377.804 Renewable Energy Technologies Grants Program.--

(1) The Renewable Energy Technologies Grants Program is established within the department to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies.

(2) Matching grants for renewable energy technology demonstration, commercialization, research, and development projects may be made to any of the following:

(a) Municipalities and county governments.

(b) Established for-profit companies licensed to do business in the state.

(c) Universities and colleges in the state.

(d) Utilities located and operating within the state.

(e) Not-for-profit organizations.

(f) Other qualified persons, as determined by the department.

(3) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under this program.

(4) Factors the department shall consider in awarding grants include, but are not limited to:

(a) The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The department shall give greater preference to projects that provide such matching funds or other in-kind contributions.

(b) The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

(c) The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project

demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(d) The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

(e) The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

(f) The degree to which a project demonstrates efficient use of energy and material resources.

(g) The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

(h) The ability to administer a complete project.

(i) Project duration and timeline for expenditures.

(j) The geographic area in which the project is to be conducted in relation to other projects.

(k) The degree of public visibility and interaction.

(5) The department shall solicit the expertise of other state agencies in evaluating project proposals. State agencies shall cooperate with the Department of Environmental Protection and provide such assistance as requested.

~~(6) The department shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for renewable energy technology, and the departments shall jointly determine the grant awards to these bioenergy projects. No grant funding shall be awarded to any bioenergy project without such joint approval. Factors for consideration in~~

~~awarding grants may include, but are not limited to, the degree to which:~~

~~(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.~~

~~(b) The project produces bioenergy from Florida-grown crops or biomass.~~

~~(c) The project demonstrates efficient use of energy and material resources.~~

~~(d) The project fosters overall understanding and appreciation of bioenergy technologies.~~

~~(e) Matching funds and in-kind contributions from an applicant are available.~~

~~(f) The project duration and the timeline for expenditures are acceptable.~~

~~(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.~~

~~(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.~~

Section 19. Section 377.806, Florida Statutes, is amended to read:

377.806 Solar Energy System Incentives Program.--

(1) PURPOSE.--The Solar Energy System Incentives Program is established within the department to provide financial incentives for the purchase and installation of solar energy systems.

(2) ELIGIBILITY.--

(a) Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2010, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(b) Payment of a rebate may only be made to the final purchaser of an eligible system.

(3) ~~(2)~~ SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

(a) System ~~Eligibility~~ requirements.--A solar photovoltaic system qualifies for a rebate if:

1. The system is installed by a state-licensed master electrician, electrical contractor, or solar contractor.

2. The system complies with state interconnection standards as provided by the commission.

3. The system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amounts.--The rebate amount shall be set at $4 per watt based on the total wattage rating of the system. The maximum allowable rebate per solar photovoltaic system installation shall be as follows:

1. Twenty thousand dollars for a residence.

2. One hundred thousand dollars for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.

(4) ~~(3)~~ SOLAR THERMAL SYSTEM INCENTIVE.--

(a) Eligibility requirements.--A solar thermal system qualifies for a rebate if:

1. The system is installed by a state-licensed solar or plumbing contractor.

2. The system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amounts.--Authorized rebates for installation of solar thermal systems shall be as follows:

1. Five hundred dollars for a residence.

2. Fifteen dollars per 1,000 Btu up to a maximum of $5,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings. Btu must be verified by approved metering equipment.

(5) ~~(4)~~ SOLAR THERMAL POOL HEATER INCENTIVE.--

(a) Eligibility requirements.--A solar thermal pool heater qualifies for a rebate if the system is installed by a state-licensed solar or plumbing contractor and the system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amount.--Authorized rebates for installation of solar thermal pool heaters shall be $100 per installation.

(6) ~~(5)~~ APPLICATION.--Application for a rebate must be made within 90 days after the purchase of the solar energy equipment.

(7) LIMITS.--Rebates are limited to one per type of system described in s. 377.806(2)(a) per resident, per state fiscal year.

(8) ~~(6)~~ REBATE AVAILABILITY.--The department shall determine and publish on a regular basis the amount of rebate funds

remaining in each fiscal year. The total dollar amount of all rebates issued by the department is subject to the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests for rebates received during that fiscal year may be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year shall be given priority over requests for rebates received during the following fiscal year.

(9)~~(7)~~ RULES.--The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop rebate applications and administer the issuance of rebates.

Section 20. Section 403.50663, Florida Statutes, is amended to read:

403.50663 Informational public meetings.--

(1) A local government within whose jurisdiction the power plant is proposed to be sited may hold one informational public meeting in addition to the hearings specifically authorized by this act on any matter associated with the electrical power plant proceeding. Such informational public meetings shall be held by the local government or by the regional planning council if the local government does not hold such meeting within 70 days after the filing of the application. The purpose of an informational public meeting is for the local government or regional planning council to further inform the public about the proposed electrical power plant or associated facilities, obtain comments from the public, and formulate its recommendation with respect to the proposed electrical power plant.

(2) Informational public meetings shall be held solely at the option of each local government or regional planning council if a public meeting is not held by the local government. It is the legislative intent that local governments or regional planning councils attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend; however, no party other than the applicant and the department shall be required to attend such informational public meetings.

(3) A local government or regional planning council that intends to conduct an informational public meeting must provide notice of the meeting to all parties not less than 15 ~~5~~ days prior to the meeting, and to the general public, in accordance with the provisions of s. 403.5115(5).

(4) The failure to hold an informational public meeting or the procedure used for the informational public meeting is not grounds for the alteration of any time limitation in this act under s. 403.5095 or grounds to deny or condition certification.

Section 21. Section 403.50665, Florida Statutes, is amended to read:

403.50665 Land use consistency.--

(1) The applicant shall include in the application a statement on the consistency of the site or any directly associated facilities with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency.

(2) Within 45 days after the filing of the application, each local government shall file a determination with the department, the applicant, the administrative law judge, and all parties on the consistency of the site or any directly associated

facilities with existing land use plans and zoning ordinances that were in effect on the date the application was filed, based on the information provided in the application. The local government may issue its determination up to 35 days later if the local government has requested additional information on land use and zoning consistency as part of the local government's statement on completeness of the application submitted pursuant to s. 403.5066(1)(a). Incompleteness of information necessary for a local government to evaluate an application may be claimed by the local government as cause for a statement of inconsistency with existing land use plans and zoning ordinances. Notice of the consistency determination shall be published in accordance with the requirements of s. 403.5115.

(3) If the local government issues a determination that the proposed electrical power plant is not consistent or in compliance with local land use plans and zoning ordinances, the applicant may apply to the local government for the necessary local approval to address the inconsistencies in the local government's determination. If the applicant makes such an application to the local government, the time schedules under this act shall be tolled until the local government issues its revised determination on land use and zoning or the applicant otherwise withdraws its application to the local government. If the applicant applies to the local government for necessary local land use or zoning approval, the local government shall issue a revised determination within 30 days following the conclusion of that local proceeding, and the time schedules and notice requirements under this act shall apply to such revised determination.

(4) If any substantially affected person wishes to dispute the local government's determination, he or she shall file a petition with the designated administrative law judge ~~department~~ within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of s. 403.508(1) shall apply.

(5) The dates in this section may be altered upon agreement between the applicant, the local government, and the department pursuant to s. 403.5095.

(6) If it is determined by the local government that the proposed site or directly associated facility does conform with existing land use plans and zoning ordinances in effect as of the date of the application and no petition has been filed, the responsible zoning or planning authority shall not thereafter change such land use plans or zoning ordinances so as to foreclose construction and operation of the proposed site or directly associated facilities unless certification is subsequently denied or withdrawn.

Section 22. Section 403.508, Florida Statutes, is amended to read:

403.508 Land use and certification hearings, parties, participants.--

(1)(a) Within 5 days of the filing of ~~If~~ a petition for a hearing on land use ~~has been filed~~ pursuant to s. 403.50665, the designated administrative law judge shall schedule ~~conduct~~ a land use hearing to be conducted in the county of the proposed site or directly associated facility, as applicable, as expeditiously as possible, but not later than 30 days after the department's receipt of the petition. The place of such hearing shall be as

close as possible to the proposed site or directly associated facility. If a petition is filed, the hearing shall be held regardless of the status of the completeness of the application. ~~However, incompleteness of information necessary for a local government to evaluate an application may be claimed by the local government as cause for a statement of inconsistency with existing land use plans and zoning ordinances under s. 403.50665.~~

(b) Notice of the land use hearing shall be published in accordance with the requirements of s. 403.5115.

(c) The sole issue for determination at the land use hearing shall be whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge concludes that the proposed site is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order any changes to or approvals or variances under, the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances.

(d) The designated administrative law judge's recommended order shall be issued within 30 days after completion of the hearing and shall be reviewed by the board within 60 days after receipt of the recommended order by the board.

(e) If it is determined by the board that the proposed site does conform with existing land use plans and zoning ordinances in effect as of the date of the application, or as otherwise provided by this act, the responsible zoning or planning authority shall not thereafter change such land use plans or

zoning ordinances so as to foreclose construction and operation of the proposed electrical power plant on the proposed site or directly associated facilities unless certification is subsequently denied or withdrawn.

(f) If it is determined by the board that the proposed site does not conform with existing land use plans and zoning ordinances, the board may, if it determines after notice and hearing and upon consideration of the recommended order on land use and zoning issues that it is in the public interest to authorize the use of the land as a site for an electrical power plant, authorize a variance or other necessary approval to the adopted land use plan and zoning ordinances required to render the proposed site consistent with local land use plans and zoning ordinances. The board's action shall not be controlled by any other procedural requirements of law. In the event a variance or other approval is denied by the board, it shall be the responsibility of the applicant to make the necessary application for any approvals determined by the board as required to make the proposed site consistent and in compliance with local land use plans and zoning ordinances. No further action may be taken on the complete application until the proposed site conforms to the adopted land use plan or zoning ordinances or the board grants relief as provided under this act.

(2)(a) A certification hearing shall be held by the designated administrative law judge no later than 265 days after the application is filed with the department. The certification hearing shall be held at a location in proximity to the proposed site. ~~At the conclusion of the certification hearing, the designated administrative law judge shall, after consideration of~~

~~all evidence of record, submit to the board a recommended order no later than 45 days after the filing of the hearing transcript.~~

(b) Notice of the certification hearing and notice of the deadline for filing of notice of intent to be a party shall be made in accordance with the requirements of s. 403.5115.

(3)(a) Parties to the proceeding shall include:

1. The applicant.

2. The Public Service Commission.

3. The Department of Community Affairs.

4. The Fish and Wildlife Conservation Commission.

5. The water management district.

6. The department.

7. The regional planning council.

8. The local government.

9. The Department of Transportation.

(b) Any party listed in paragraph (a) other than the department or the applicant may waive its right to participate in these proceedings. If such listed party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing, such party shall be deemed to have waived its right to be a party.

(c) Notwithstanding the provisions of chapter 120, upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding:

1. Any agency not listed in paragraph (a) as to matters within its jurisdiction.

2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural

beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located.

(d) Notwithstanding paragraph (e), failure of an agency described in subparagraph (c)1. to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.

(e) Other parties may include any person, including those persons enumerated in paragraph (c) who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to chapter 120 and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing.

(f) Any agency, including those whose properties or works are being affected pursuant to s. 403.509(4), shall be made a party upon the request of the department or the applicant.

(4)(a) The order of presentation at the certification hearing, unless otherwise changed by the administrative law judge to ensure the orderly presentation of witnesses and evidence, shall be:

1. The applicant.

2. The department.

3. State agencies.

4. Regional agencies, including regional planning councils and water management districts.

5. Local governments.

6. Other parties.

(b) When appropriate, any person may be given an opportunity to present oral or written communications to the designated administrative law judge. If the designated administrative law judge proposes to consider such communications, then all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

(5) At the conclusion of the certification hearing, the designated administrative law judge shall, after consideration of all evidence of record, submit to the board a recommended order no later than 45 days after the filing of the hearing transcript.

(6)(a) No earlier than 29 days prior to the conduct of the certification hearing, the department or the applicant may request that the administrative law judge cancel the certification hearing and relinquish jurisdiction to the department if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, and if sufficient time remains for the applicant and the department to publish public notices of the cancellation of the hearing at least 3 days prior to the scheduled date of the hearing.

(b) The administrative law judge shall issue an order granting or denying the request within 5 days after receipt of the request.

(c) If the administrative law judge grants the request, the department and the applicant shall publish notices of the cancellation of the certification hearing, in accordance with s. 403.5115.

(d)1. If the administrative law judge grants the request, the department shall prepare and issue a final order in accordance with s. 403.509(1)(a).

2. Parties may submit proposed recommended orders to the department no later than 10 days after the administrative law judge issues an order relinquishing jurisdiction.

(7) The applicant shall pay those expenses and costs associated with the conduct of the hearings and the recording and transcription of the proceedings.

(8) In issuing permits under the federally approved new source review or prevention of significant deterioration permit program, the department shall observe the procedures specified under the federally approved state implementation plan, including public notice, public comment, public hearing, and notice of applications and amendments to federal, state, and local agencies, to assure that all such permits issued in coordination with the certification of a power plant under this act are federally enforceable and are issued after opportunity for informed public participation regarding the terms and conditions thereof. When possible, any hearing on a federally approved or delegated program permit such as new source review, prevention of significant deterioration permit, or NPDES permit shall be conducted in conjunction with the certification hearing held under this act. It is the intent of the Legislature that the review, processing, and issuance of such federally delegated or

approved permits be closely coordinated with the certification process established under this part. In the event of a conflict between the certification process and federally required procedures, the applicable federal requirements shall control.

Section 23. Section 403.509, Florida Statutes, is amended to read:

403.509 Final disposition of application.--

(1)(a) If the administrative law judge has granted a request to cancel the certification hearing and has relinquished jurisdiction to the department under the provisions of s. 403.508(6), within 40 days thereafter, the secretary of the department shall act upon the application by written order in accordance with the terms of this act and the stipulation of the parties in requesting cancellation of the certification hearing.

(b) If the administrative law judge has not granted a request to cancel the certification hearing under the provisions of s. 403.508(6), within 60 days after receipt of the designated administrative law judge's recommended order, the board shall act upon the application by written order, approving or denying certification, in accordance with the terms of this act, and stating the reasons for issuance or denial. If certification is denied, the board shall set forth in writing the action the applicant would have to take to secure the board's approval of the application.

(2) The issues that may be raised in any hearing before the board shall be limited to those matters raised in the certification proceeding before the administrative law judge or raised in the recommended order. All parties, or their

representatives, or persons who appear before the board shall be subject to the provisions of s. 120.66.

(3) In determining whether an application should be approved in whole, approved with modifications or conditions, or denied, the board, or secretary when applicable, shall consider whether, and the extent to which, the location of the electrical power plant and directly associated facilities and their construction and operation will:

(a) Provide reasonable assurance that operational safeguards are technically sufficient for the public welfare and protection.

(b) Comply with applicable nonprocedural requirements of agencies.

(c) Be consistent with applicable local government comprehensive plans and land development regulations.

(d) Meet the electrical energy needs of the state in an orderly and timely fashion.

(e) Effect a reasonable balance between the need for the facility as established pursuant to s. 403.519 and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state resulting from the construction and operation of the facility.

(f) Minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.

(g) Serve and protect the broad interests of the public.

(4) The department's action on a federally required new source review or prevention of significant deterioration permit

shall differ from the actions taken by the siting board regarding the certification if the federally approved state implementation plan requires such a different action to be taken by the department. Nothing in this part shall be construed to displace the department's authority as the final permitting entity under the federally approved permit program. Nothing in this part shall be construed to authorize the issuance of a new source review or prevention of significant deterioration permit which does not conform to the requirements of the federally approved state implementation plan.

(5) For certifications which are issued by the board, in ~~In~~ regard to the properties and works of any agency which is a party to the certification hearing, the board shall have the authority to decide issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities and to direct any such agency to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification. For certifications which are issued by the department, in regard to the properties and works of any agency which is a party to proceeding, any stipulation filed pursuant to s. 403.508(6)(a) must include a stipulation regarding any issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities. Any agency stipulating to the use, connection to, or crossing of its property must agree to execute, within 30 days after the entry of certification, the necessary license or easement for such use,

connection, or crossing, subject only to the conditions set forth in such certification.

(6) The issuance or denial of the certification by the board or secretary of the department shall be the final administrative action required as to that application.

Section 24. Section 403.5113, Florida Statutes, is amended to read:

403.5113 Postcertification amendments and review.--

(1) Postcertification amendments. --

(a) If, subsequent to certification by the board, a licensee proposes any material change to the application and revisions or amendments thereto, as certified, the licensee shall submit a written request for amendment and a description of the proposed change to the application to the department. Within 30 days after the receipt of the request for the amendment, the department shall determine whether the proposed change to the application requires a modification of the conditions of certification.

(b) ~~(2)~~ If the department concludes that the change would not require a modification of the conditions of certification, the department shall provide written notification of the determination on ~~approval of~~ the proposed amendment to the licensee, all agencies, and all other parties.

(c) ~~(3)~~ If the department concludes that the change would require a modification of the conditions of certification, the department shall provide written notification to the licensee that the proposed change to the application requires a request for modification pursuant to s. 403.516.

(2)~~(4)~~ Postcertification submittals filed by the licensee with one or more agencies are for the purpose of monitoring for compliance with the issued certification and must be reviewed by the agencies on an expedited and priority basis because each facility certified under this act is a critical infrastructure facility. In no event shall a postcertification review be completed in more than 90 days after complete information is submitted to the reviewing agencies.

Section 25. Subsection (4) of section 403.5115, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

403.5115 Public notice.--

(4) The department shall arrange for publication of the following notices in the manner specified by chapter 120 and provide copies of those notices to any persons who have requested to be placed on the departmental mailing list for this purpose for each case for which an application has been received by the department:

(a) Notice of the filing of the notice of intent within 15 days after receipt of the notice.

(b) Notice of the filing of the application, no later than 21 days after the application filing.

(c) Notice of the land use determination made pursuant to s. 403.50665(1) within 21 days after the determination is filed.

(d) Notice of the land use hearing before the administrative law judge, if applicable, no later than 15 days before the hearing.

(e) Notice of the land use hearing before the board, if applicable.

(f) Notice of the certification hearing at least 45 days before the date set for the certification hearing.

(g) Notice of the cancellation of the certification hearing, if applicable, no later than 3 days prior to the date of the originally scheduled certification hearing.

(h) Notice of the hearing before the board, if applicable.

(i) Notice of stipulations, proposed agency action, or petitions for modification.

(5) A local government or regional planning council that proposes to conduct an informational public meeting pursuant to s. 403.50663 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which the proposed electrical power plant will be located no later than 7 days prior to the meeting. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

Section 26. Subsection (1) of section 403.5252, Florida Statutes, is amended to read:

403.5252 Determination of completeness.--

(1)(a) Within 30 days after the filing ~~distribution~~ of an application, the affected agencies shall file a statement with the department containing the recommendations of each agency concerning the completeness of the application for certification.

(b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the application ~~completeness statements of each agency~~, the

department shall file a statement with the Division of Administrative Hearings, with the applicant, and with all parties declaring its position with regard to the completeness of the application. The statement of the department shall be based upon its consultation with the affected agencies.

Section 27. Subsection (6) of section 403.527, Florida Statutes, is amended to read:

403.527 Certification hearing, parties, participants.--

(6)(a) No later than 29 ~~25~~ days before the certification hearing, the department or the applicant may request that the administrative law judge cancel the certification hearing and relinquish jurisdiction to the department if all parties to the proceeding stipulate that there are no disputed issues of material fact or law to be raised at the certification hearing.

(b) The administrative law judge shall issue an order granting or denying the request within 5 days.

(c) If the administrative law judge grants the request, the department and the applicant shall publish notices of the cancellation of the certification hearing in accordance with s. 403.5363.

(d)1. If the administrative law judge grants the request, the department shall prepare and issue a final order in accordance with s. 403.529(1)(a).

2. Parties may submit proposed final orders to the department no later than 10 days after the administrative law judge issues an order relinquishing jurisdiction.

Section 28. Subsection (1) of section 403.5271, Florida Statutes, is amended to read:

403.5271 Alternate corridors.--

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(a) A notice of a proposed alternate corridor must be filed with the administrative law judge, all parties, and any local governments in whose jurisdiction the alternate corridor is proposed. The filing must include the most recent United States Geological Survey 1:24,000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed corridor, and a statement of the reasons the proposed alternate corridor should be certified.

(b)1. Within 7 days after receipt of the notice, the applicant and the department shall file with the administrative law judge and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected by the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary.

2. If rescheduled, the certification hearing shall be held no more than 90 days after the previously scheduled certification hearing, unless the data submitted under paragraph (d) is determined to be incomplete, in which case the rescheduled certification hearing shall be held no more than 105 days after the previously scheduled certification hearing. If additional time is needed due to the alternate corridor crossing a local

government jurisdiction that was not previously affected, the remainder of the schedule listed below shall be appropriately adjusted by the administrative law judge to allow that local government to prepare a report pursuant to s. 403.526(2)(a)5.

(c) Notice of the filing of the alternate corridor, of the revised time schedules, of the deadline for newly affected persons and agencies to file notice of intent to become a party, of the rescheduled hearing date, and of the proceedings shall be published in accordance with s. 403.5363.

(d) Within 21 days after acceptance of an alternate corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all data to the agencies listed in s. 403.526(2) and newly affected agencies necessary for the preparation of a supplementary report on the proposed alternate corridor.

(e)1. Reviewing agencies shall advise the department of any issues concerning completeness no later than 15 days after the submittal of the data required by paragraph (d). Within 22 days after receipt of the data, the department shall issue a determination of completeness.

2. If the department determines that the data required by paragraph (d) is not complete, the party proposing the alternate corridor must file such additional data to correct the incompleteness. This additional data must be submitted within 14 days after the determination by the department.

3. Reviewing agencies may advise the department of any issues concerning completeness of the additional data within 10 days after the filing by the applicant. If the department, within 14 days after receiving the additional data, determines

that the data remains incomplete, the incompleteness of the data is deemed a withdrawal of the proposed alternate corridor. The department may make its determination based on recommendations made by other affected agencies.

(f) The agencies listed in s. 403.526(2) and any newly affected agencies shall file supplementary reports with the applicant and the department which address the proposed alternate corridors no later than 24 days after the data submitted pursuant to paragraph (d) or paragraph (e) is determined to be complete.

(g) The agency reports on alternate corridors must include all information required by s. 403.526(2).

(h) When an agency whose agency head is a collegial body, such as a commission, board, or council, is required to submit a report pursuant to this section and is required by its own internal procedures to have the report reviewed by its agency head prior to finalization, the agency may submit to the department a draft version of the report by the deadline indicated in paragraph (f), and shall submit a final version of the report after review by the agency head no later than 7 days after the deadline indicated in paragraph (f).

(i) The department shall file with the administrative law judge, the applicant, and all parties a project analysis consistent with s. 403.526(3) no more than 16 days after submittal of agency reports on the proposed alternate corridor.

Section 29. Subsection (1) of section 403.5317, Florida Statutes, is amended to read:

403.5317 Postcertification activities.--

(1)(a) If, subsequent to certification, a licensee proposes any material change to the application or prior amendments, the

licensee shall submit to the department a written request for amendment and description of the proposed change to the application. The department shall, within 30 days after the receipt of the request for the amendment, determine whether the proposed change to the application requires a modification of the conditions of certification.

(b) If the department concludes that the change would not require a modification of the conditions of certification, the department shall notify, in writing, the licensee, all agencies, and all parties of the determination on ~~approval~~ of the amendment.

(c) If the department concludes that the change would require a modification of the conditions of certification, the department shall notify the licensee that the proposed change to the application requires a request for modification under s. 403.5315.

Section 30. Subsection (3) of section 403.5363, Florida Statutes, is amended to read:

403.5363 Public notices; requirements.--

(3) The department shall arrange for the publication of the following notices in the manner specified by chapter 120:

(a) The notice of the filing of an application and the date by which a person intending to become a party must file a petition to intervene or a notice of intent to be a party. The notice must be published no later than 21 days after the application has been filed.

(b) The notice of any administrative hearing for certification, if applicable. The notice must be published not less than 65 days before the date set for a hearing, except that

notice for a rescheduled certification hearing after acceptance of an alternative corridor must be published not less than 50 days before the date set for the hearing.

(c) The notice of the cancellation of a certification hearing, if applicable. The notice must be published not later than 3 ~~7~~ days before the date of the originally scheduled certification hearing.

(d) The notice of the hearing before the siting board, if applicable.

(e) The notice of stipulations, proposed agency action, or a petition for modification.

Section 31. Section 489.145, Florida Statutes, is amended to read:

489.145 Guaranteed energy performance savings contracting.--

(1) SHORT TITLE.--This section may be cited as the "Guaranteed Energy Performance Savings Contracting Act."

(2) LEGISLATIVE FINDINGS.--The Legislature finds that investment in energy conservation measures in agency facilities can reduce the amount of energy consumed and produce immediate and long-term savings. It is the policy of this state to encourage agencies to invest in energy conservation measures that reduce energy consumption, or produce a cost savings for the agency, and improve the quality of indoor air in public facilities and to operate, maintain, and, when economically feasible, build or renovate existing agency facilities in such a manner as to minimize energy consumption and maximize energy savings. It is further the policy of this state to encourage agencies to reinvest any energy savings resulting from energy conservation measures in additional energy conservation efforts.

(3) DEFINITIONS.--As used in this section, the term:

(a) "Agency" means the state, a municipality, or a political subdivision.

(b) "Energy conservation measure" means ~~a training program,~~ facility alteration, or equipment purchase to be used in new construction, including an addition to an existing facility, which reduces energy or energy related operating costs and includes, but is not limited to:

1. Insulation of the facility structure and systems within the facility.

2. Storm windows and doors, caulking or weatherstripping, multiglazed windows and doors, heat-absorbing, or heat-reflective, glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption.

3. Automatic energy control systems.

4. Heating, ventilating, or air-conditioning system modifications or replacements.

5. Replacement or modifications of lighting fixtures to increase the energy efficiency of the lighting system, which, at a minimum, must conform to the applicable state or local building code.

6. Energy recovery systems.

7. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a facility or complex of facilities.

8. Energy conservation measures that significantly reduce Btu/KWH consumed and provide long-term operating cost reductions. ~~or significantly reduce Btu consumed.~~

9. Renewable energy systems, such as solar, biomass, or wind systems.

10. Devices that reduce water consumption or sewer charges.

11. Storage systems, such as fuel cells and thermal storage.

12. Generating technologies, such as microturbines.

13. Any other repair, replacement, or upgrade of existing equipment.

(c) "Energy cost savings" means a measured reduction in the cost of fuel, energy consumption, and stipulated operation and maintenance created from the implementation of one or more energy conservation measures when compared with an established baseline for the previous cost of fuel, energy consumption, and stipulated operation and maintenance.

(d) "Guaranteed energy performance savings contract" means a contract for the evaluation, recommendation, and implementation of energy conservation measures or energy related operational saving measures, which, at a minimum, shall include:

1. The design and installation of equipment to implement one or more of such measures and, if applicable, operation and maintenance of such measures.

2. The amount of any actual annual savings that meet or exceed total annual contract payments made by the agency for the contract but shall not include cost avoidance.

3. The finance charges incurred by the agency over the life of the contract.

(e) "Guaranteed energy performance savings contractor" means a person or business that is licensed under chapter 471, chapter 481, or this chapter, and is experienced in the analysis,

design, implementation, or installation of energy conservation measures through energy performance contracts.

(4) PROCEDURES.--

(a) An agency may enter into a guaranteed energy performance savings contract with a guaranteed energy performance savings contractor to significantly reduce energy consumption or energy related operating costs of an agency facility through one or more energy conservation measures.

(b) Before design and installation of energy conservation measures, the agency must obtain from a guaranteed energy performance savings contractor a report that summarizes the costs associated with the energy conservation measures or energy related operational cost saving measures and provides an estimate of the amount of the ~~energy~~ cost savings. The agency and the guaranteed energy performance savings contractor may enter into a separate agreement to pay for costs associated with the preparation and delivery of the report; however, payment to the contractor shall be contingent upon the report's projection of energy or operational cost savings being equal to or greater than the total projected costs of the design and installation of the report's energy conservation measures.

(c) The agency may enter into a guaranteed energy performance savings contract with a guaranteed energy performance savings contractor if the agency finds that the amount the agency would spend on the energy conservation or energy related cost saving measures will not likely exceed the amount of the energy or energy related cost savings for up to 20 years from the date of installation, based on the life cycle cost calculations provided in s. 255.255, if the recommendations in the report were

followed and if the qualified provider or providers give a written guarantee that the energy or energy related cost savings will meet or exceed the costs of the system. The contract may provide for installment payments for a period not to exceed 20 years.

(d) A guaranteed energy performance savings contractor must be selected in compliance with s. 287.055; except that if fewer than three firms are qualified to perform the required services, the requirement for agency selection of three firms, as provided in s. 287.055(4)(b), and the bid requirements of s. 287.057 do not apply.

(e) Before entering into a guaranteed energy performance savings contract, an agency must provide published notice of the meeting in which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose.

(f) A guaranteed energy performance savings contract may provide for financing, including tax exempt financing, by a third party. The contract for third party financing may be separate from the energy performance contract. A separate contract for third party financing must include a provision that the third party financier must not be granted rights or privileges that exceed the rights and privileges available to the guaranteed energy performance savings contractor. Financing for guaranteed energy performance savings contracts may be provided under the authority of s. 287.064. The Office of the Chief Financial Officer will review proposals to ensure the most effective financing is being used.

(g) In determining the amount the agency will finance to acquire the energy conservation measures, the agency may reduce

such amount by the application of any grant moneys, rebates, or capital funding available to the agency for the purpose of buying down the cost of the guaranteed energy performance savings contract. However, in calculating the life cycle cost as required in paragraph (c), the agency shall not apply any grants, rebates, or capital funding.

(5) CONTRACT PROVISIONS.--

(a) A guaranteed energy performance savings contract must include a written guarantee that may include, but is not limited to the form of, a letter of credit, insurance policy, or corporate guarantee by the guaranteed energy performance savings contractor that annual energy cost savings will meet or exceed the amortized cost of energy conservation measures.

(b) The guaranteed energy performance savings contract must provide that all payments, except obligations on termination of the contract before its expiration, may be made over time, but not to exceed 20 years from the date of complete installation and acceptance by the agency, and that the annual savings are guaranteed to the extent necessary to make annual payments to satisfy the guaranteed energy performance savings contract.

(c) The guaranteed energy performance savings contract must require that the guaranteed energy performance savings contractor to whom the contract is awarded provide a 100-percent public construction bond to the agency for its faithful performance, as required by s. 255.05.

(d) The guaranteed energy performance savings contract may contain a provision allocating to the parties to the contract any annual energy cost savings that exceed the amount of the energy cost savings guaranteed in the contract.

(e) The guaranteed energy performance savings contract shall require the guaranteed energy performance savings contractor to provide to the agency an annual reconciliation of the guaranteed energy or energy related cost savings. If the reconciliation reveals a shortfall in annual energy or energy related cost savings, the guaranteed energy performance savings contractor is liable for such shortfall. If the reconciliation reveals an excess in annual ~~energy~~ cost savings, the excess savings may be allocated under paragraph (d) but may not be used to cover potential energy cost savings shortages in subsequent contract years.

(f) The guaranteed energy performance savings contract must provide for payments of not less than one-twentieth of the price to be paid within 2 years from the date of the complete installation and acceptance by the agency using straight-line amortization for the term of the loan, and the remaining costs to be paid at least quarterly, not to exceed a 20-year term, based on life cycle cost calculations.

(g) The guaranteed energy performance savings contract may extend beyond the fiscal year in which it becomes effective; however, the term of any contract expires at the end of each fiscal year and may be automatically renewed annually for up to 20 years, subject to the agency making sufficient annual appropriations based upon continued realized energy savings.

(h) The guaranteed energy performance savings contract must stipulate that it does not constitute a debt, liability, or obligation of the state.

(6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The Department of Management Services, with the assistance of the

Office of the Chief Financial Officer, may, within available resources, provide technical assistance to state agencies contracting for energy conservation measures and engage in other activities considered appropriate by the department for promoting and facilitating guaranteed energy performance contracting by state agencies. The Office of the Chief Financial Officer, with the assistance of the Department of Management Services, will ~~may, within available resources,~~ develop model contractual and related documents for use by state agencies. Prior to entering into a guaranteed energy performance savings contract, any contract or lease for third-party financing, or any combination of such contracts, a state agency shall submit such proposed contract or lease to the Office of the Chief Financial Officer for review and approval that includes the following.

(a) Supporting information required by s. 216.023(4)(a)9., F.S.

(b) Documentation supporting recurring funds requirements in ss. 287.063(5) and 287.064(11), F.S.

(c) Approval by agency head or designee.

Section 32. Section 526.302, Florida Statutes, is amended to read:

526.302 Legislative findings and intent.--The Legislature finds that fair and healthy competition in the marketing of motor fuel provides maximum benefits to consumers in this state, and that certain marketing practices which impair such competition are contrary to the public interest. Predatory practices and, under certain conditions, discriminatory practices, are unfair trade practices and restraints which adversely affect motor fuel competition. It is the intent of the Legislature to encourage

competition and promote the general welfare of citizens of this state by prohibiting such unfair practices. The Legislature also intends to facilitate compliance with the Renewable Fuels Standard in the federal Energy Policy Act of 2005 and the Renewable Fuel Standards established in s. 212.099.

Section 33. Subsection (5) of section 526.303, Florida Statutes, is amended to read:

526.303 Definitions.--As used in this act:

(5) "Motor fuel" means any petroleum product containing less than 10 percent by volume of ethanol or biodiesel, including any special fuel, which is used for the propulsion of motor vehicles.

Section 34. Section 526.309, Florida Statutes, is amended to read:

526.309 Exempt sales.--The Motor Fuel Marketing Practice Act ~~provisions of this act~~ shall not apply to:

(1) The following retail sales by a refiner:

(a) ~~(1)~~ A bona fide clearance sale for the purpose of discontinuing trade in such motor fuel.

(b) ~~(2)~~ A final business liquidation sale.

(c) ~~(3)~~ A sale of the refiner's motor fuel by a fiduciary or other officer under the order or direction of any court.

(d) ~~(4)~~ Sales made during a grand opening to introduce a new or remodeled business not to exceed 3 days, which grand opening shall be held within 60 days from the date the new or remodeled business begins operations.

(2) Sales of a blend of ethanol and gasoline in which the percentage of ethanol by volume is 10 percent or more and which is designated as EXX, substituting a number that represents the

percentage of ethanol in the blend for the XX so that, for example, a blend having a volume of 10 percent ethanol is designated as E10.

(3) Sales of biodiesel.

(4) Sales of a blend of biodiesel and gasoline in which the percentage of biodiesel by volume is 10 percent or more and which is designated as BXX, substituting a number that represents the percentage of biodiesel in the blend for the XX so that, for example, a blend having a volume of 10 percent biodiesel is designated as B10.

Section 35. Section 570.956, Florida Statutes, is created to read:

570.956 Farm-to-Fuel Advisory Council.--

(1) The Farm-to-Fuel Advisory Council is created within the department to provide advice and counsel to the commissioner concerning the production of renewable energy in this state. The advisory council consists of 13 members who shall be appointed by the commissioner for 4-year terms or until a successor is duly qualified and appointed. Members shall include:

(a) One citizen-at-large member who shall represent the views of the public toward renewable energy.

(b) Six members each of whom is a producer or grower actively engaged in the agricultural area of one of the following industries:

1. Sugarcane.

2. Citrus.

3. Field crops.

4. Dairy.

5. Livestock or poultry.

6. Forestry.

(c) One member who represents the petroleum industry or who is actively engaged in the trade of petroleum products.

(d) One member who represents public utilities or the electric power industry.

(e) Two members who represent colleges and universities in this state and who are engaged in research involving alternative fuels or renewable energy.

(f) One member who represents the environmental community or an environmental organization.

(g) The Governor shall appoint one member.

(2) The council is an advisory committee the operation of which is governed by s. 570.0705.

Section 36. Section 570.957, Florida Statutes, is created to read:

570.957 Farm to Fuel Grants Program.--

(1) Definitions.--As used in this section, the term:

(a) "Bioenergy" means useful, renewable energy produced from organic matter - the conversion of the complex carbohydrates in organic matter to energy. Organic matter may either be used directly as a fuel, processed into liquids and gasses, or be a residual of processing and conversion.

(b) "Department" means the Department of Agriculture and Consumer Services.

(c) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.

(d) "Renewable energy" means electrical, mechanical, or thermal energy produced from a method that uses one or more of

the following fuels or energy sources: hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.

(2) The Farm to Fuel Grants Program is established within the Department of Agriculture and Consumer Services to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to bioenergy projects.

(a) Matching grants for bioenergy demonstration, commercialization, research, and development projects may be made to any of the following:

1. Municipalities and county governments.

2. Established for-profit companies licensed to do business in the state.

3. Universities and colleges in the state.

4. Utilities located and operating within the state.

5. Not-for-profit organizations.

6. Other qualified persons, as determined by the Department of Agriculture and Consumer Services.

(b) The Department of Agriculture and Consumer Services may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for allocation of grant funds by project type, application requirements, ranking of applications, and awarding of grants under this program.

(c) Factors for consideration in awarding grants may include, but are not limited to, the degree to which:

1. The project produces bioenergy from Florida-grown crops or biomass.

2. The project demonstrates efficient use of energy and material resources.

3. Matching funds and in-kind contributions from an applicant are available.

4. The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

5. Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

6. The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

7. In evaluating and awarding grants under this section, the Department of Agriculture and Consumer Services shall consult with and solicit input from the Department of Environmental Protection.

a. In determining the technical feasibility of grant applications, the Department of Agriculture and Consumer services shall coordinate and actively consult with the Institute of Food and Agricultural Sciences.

b. In determining the economic feasibility of bioenergy grant applications, the Department of Agriculture and Consumer Services shall consult with the Office of Tourism, Trade, and Economic Development.

Section 37. (1) All county, municipal, and school district buildings shall be constructed using the United States Green Building Council Leadership in Energy and Environmental Design

(LEED) national standards for construction. This section shall apply to all county, municipal, and school district buildings whose architectural plans are started after July 1, 2007.

(2) The Legislature declares that there is an important state interest in promoting the Leadership in Energy and Environmental Design standards. Government leadership in promoting these standards is vital to demonstrate the state's commitment to energy conservation, saving tax payers money, and raising public awareness of energy rating systems.

Section 38. (1) The Florida Building Commission shall convene a workgroup comprised of representatives from the Florida Energy Commission, the Department of Community Affairs, the Building Officials Association of Florida, the Florida Energy Office, the Florida Home Builders Association, the Association of Counties, the League of Cities and other stakeholders, to develop a model residential energy efficiency ordinance that provides incentives to meet energy efficiency standards. The commission must report back to the legislature with a developed ordinance by July 1, 2008.

(2) The Florida Building Commission shall, in consultation with the Florida Energy Commission, the Building Officials Association of Florida, the Florida Energy Office, the Florida Home Builders Association, the Association of Counties, the League of Cities, and other stakeholders, review the Florida Energy Code for Building Construction. Specifically, the Commission shall revisit the analysis of cost effectiveness that serves as the basis for energy efficiency levels for residential buildings, identify cost effective means to improve energy efficiency in commercial buildings, and compare to the

International Energy Conservation Code and the American Society of Heating Air-Conditioning and Refrigeration Engineers Standards 90.1 and 90.2. The commission must report back to the Legislature with a standard by March 1, 2008 that may be adopted for the construction of all new residential, commercial, and government buildings.

(3) The Florida Building Commission in consultation with the Florida Solar Energy Center, the Florida Energy Commission and the Department of Environmental Protection's Energy Office shall develop a public awareness campaign that promotes energy efficiency and the benefits of building green by January 1, 2008. The campaign shall include enhancement of an existing web site from which all citizens can obtain information pertaining to green building practices, calculate anticipated savings from use of those options, as well as learn about energy efficient strategies that may be used in their existing home or when building a home. The campaign shall also include strategies for utilizing print advertising, press releases and television advertising to promote voluntary utilization of green building practices.

Section 39. (1) The tax levied under chapter 212 may not be collected on the first $1,500 of the selling price of a new energy-efficient product during the period from 12:01 a.m., October 1, through midnight, October 14, 2007. As used in this section, the term "energy-efficient product" means a dishwasher, clothes washer, air conditioner, ceiling fan, compact florescent light bulb, dehumidifier, programmable thermostat, or refrigerator that has been designated by the United States Environmental Protection Agency or by the United States

Department of Energy as meeting or exceeding the requirements under the Energy Star Program of either agency. The Department of Revenue may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

(2) For the 2007-2008 fiscal year, the sum of $65,763 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering the energy efficient products sales tax holiday.

Section 40. STATE FLEET BIODIESEL USAGE.--

(1) By July 1, 2007, a minimum of five percent (5%), by January 1, 2008, a minimum of ten percent (10%), and by January 1, 2009, a minimum of twenty percent (20%), of total diesel fuel purchases for use by state-owned diesel vehicles and equipment shall be biodiesel, subject to availability.

(2) The Director of Management Services shall provide for the proper administration, implementation, and enforcement.

(3) The Director of Management Services shall report to the Legislature on or before March 1, 2008, and annually thereafter, the extent of biodiesel use in the state fleet. The report shall contain the number of gallons purchased since July 1, 2007, the average price of biodiesel, and a description of fleet performance.

Section 41. SCHOOL DISTRICT BIODIESEL USAGE.--

(1) By January 1, 2008, a minimum of twenty percent (20%) of total diesel fuel purchases for use by school districts shall be biodiesel, subject to availability.

(2) If a school district contracts with another government entity or private entity to provide transportation services for any of its pupils, the biodiesel blend fuel requirement

established pursuant to subsection (1) shall be part of that contract. However, this requirement shall apply only to contracts entered into on or after July 1, 2007.

(3) School districts that use biodiesel will be reimbursed for the fuel cost difference, implementation costs, and education programs.

(4) Incentive programs authorized by the Legislature may be developed to further encourage biodiesel use by school districts.

Section 42. Except as otherwise provided herein, this act shall take effect July 1, 2007.

Committee on Energy

Amendment Packet

Marco Rubio
Speaker

Bob Allen
Chair

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

(1)

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	____

Council/Committee hearing bill: Committee on Energy

Representative(s) Allen offered the following:

Amendment

Remove line(s) 756 through 758:

~~(2) "Approved metering equipment" means a device capable of measuring the energy output of a solar thermal system that has been approved by the commission.~~

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(2)

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Council/Committee hearing bill:

Representative(s) Allen offered the following:

Amendment (with directory and title amendments)

Remove line(s) 877 through 952 and insert:

Section 1. Section 377.806, Florida Statutes, is amended to read:

377.806 Solar Energy System Incentives Program.--

(1) PURPOSE.--The Solar Energy System Incentives Program is established within the department to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2010, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

(a) Eligibility requirements.--A solar photovoltaic system qualifies for a rebate if:

1. The system is installed by a state-licensed master electrician, electrical contractor, or solar contractor.

2. The system complies with state interconnection standards as provided by the commission.

3. The system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amounts.--The rebate amount shall be set at $4 per watt based on the total wattage rating of the system. The maximum allowable rebate per solar photovoltaic system installation shall be as follows:

1. Twenty thousand dollars for a residence.

2. One hundred thousand dollars for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.

(3) SOLAR THERMAL SYSTEM INCENTIVE.--

(a) Eligibility requirements.--A solar thermal system qualifies for a rebate if:

1. The system is installed by a state-licensed solar or plumbing contractor.

2. The system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amounts.--Authorized rebates for installation of solar thermal systems shall be as follows:

1. Five hundred dollars for a residence.

2. Fifteen dollars per 1,000 Btu up to a maximum of $5,000 for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings. ~~Btu must be verified by approved metering equipment.~~

(4) SOLAR THERMAL POOL HEATER INCENTIVE.--

(a) Eligibility requirements.--A solar thermal pool heater qualifies for a rebate if the system is installed by a state-licensed solar or plumbing contractor and the system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amount.--Authorized rebates for installation of solar thermal pool heaters shall be $100 per installation.

(5) APPLICATION.--To qualify for a rebate, an applicant must:

(a) Apply for a rebate reservation at least 10 days before the date of installation of any solar equipment. Homebuilders of developers may file a single application form for project sites containing more than 25 homes. For project sites containing fewer than 25 homes, the homebuilder must file a separate rebate reservation application for each home; and

(b) Submit a separate application for a rebate payment within 90 days after the installation of any solar equipment. At the time of application for a rebate payment, an applicant may assign the rebate payment to any third party. Such assignment must be made in the space provided on the rebate payment application form. ~~Application for a rebate must be made within 90 days after the purchase of the solar energy equipment.~~

(6) REBATE AVAILABILITY.--The department shall determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued by the department is subject to the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests for rebates received during that fiscal year may be processed

during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year shall be given priority over requests for rebates received during the following fiscal year.

(7) RULES.--The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop ~~rebate~~ applications for rebate reservations and rebate payment and administer the issuance of rebates.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Council/Committee hearing bill:

Representative(s) Allen offered the following:

Amendment

Remove line(s) 1351 though 1391 and insert:

Section 1. Section 403.5115, Florida Statutes, is amended, and subsection (3) and (6) are added to that section, to read:

403.5115 Public notice.--

(1) The following notices are to be published by the applicant for all applications:

(a) Notice of the filing of a notice of intent under s. 403.5063, which shall be published within 21 days after the filing of the notice. The notice shall be published as specified by subsection (2), except that the newspaper notice shall be one-fourth page in size in a standard size newspaper or one-half page in size in a tabloid size newspaper.

(b) Notice of filing of the application, which shall include a description of the proceedings required by this act, within 21 days after the date of the application filing. Such notice shall give notice of the provisions of s. 403.511(1) and (2).

(c) Notice of the land use determination made pursuant to s. 403.50665(1) within 21 days after the determination is filed.

(d) Notice of the land use hearing, which shall be published as specified in subsection (2), no later than 15 days before the hearing.

(e) Notice of the certification hearing and notice of the deadline for filing notice of intent to be a party, which shall be published as specified in subsection (2), at least 65 days before the date set for the certification hearing.

(f) Notice of the cancellation of the certification hearing, if applicable, no later than 3 days before the date of the originally scheduled certification hearing.

(g) Notice of modification when required by the department, based on whether the requested modification of certification will significantly increase impacts to the environment or the public. Such notice shall be published as specified under subsection (2):

1. Within 21 days after receipt of a request for modification. The newspaper notice shall be of a size as directed by the department commensurate with the scope of the modification.

2. If a hearing is to be conducted in response to the request for modification, then notice shall be published no later than 30 days before the hearing.

~~(h) Notice of a supplemental application, which shall be published as specified in paragraph (b) and subsection (2).~~

~~(i) Notice of existing site certification pursuant to s. 403.5175. Notices shall be published as specified in paragraph (b) and subsection (2).~~

(2) Except as specified in subsection (3) n~~N~~otices provided by the applicant shall be published in newspapers of general circulation within the county or counties in which the proposed electrical power plant will be located. The newspaper notices shall be at least one-half page in size in a standard size newspaper or a full page in a tabloid size newspaper. These notices shall include a map generally depicting the project and all associated facilities corridors. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

(3) In addition to the newspaper notices published by the applicant pursuant to subsections (1) and (2), the applicant shall make a good faith effort to provide direct notice by electronic mail, U.S. mail, or hand delivery, or in the billing statements to all electric utility customers, of the filing of an application for certification no later than 14 days after the filing of an application to all local landowners whose property, as noted in the most recent local government tax records, is within 5 miles of the proposed site boundaries of the proposed electrical power plant, and residences within 5 miles of the proposed site boundaries of the proposed electrical power plant. Within 30 days of the date the application is filed, the applicant shall file with the department a list of landowners and residences required by this subsection to be notified. An

application shall not be deemed complete unless this list has been provided to the department.

(4)~~(3)~~ All notices published by the applicant shall be paid for by the applicant and shall be in addition to the application fee.

(5)~~(4)~~ For each case for which an application has been received by the department, the department shall arrange for publication of the following notices in the manner specified by chapter 120 and provide copies of those notices to any persons who have requested to be placed on the departmental mailing list for this purpose:

(a) Notice of the filing of the notice of intent within 15 days after receipt of the notice.

(b) Notice of the filing of the application, no later than 21 days after the application filing.

(c) Notice of the land use determination made pursuant to s. 403.50665(1) within 21 days after the determination is filed.

(d) Notice of the land use hearing before the administrative law judge, if applicable, no later than 10 ~~15~~ days before the hearing.

(e) Notice of the land use hearing before the board, if applicable.

(f) Notice of the certification hearing at least 45 days before the date set for the certification hearing.

(g) Notice of the cancellation of the certification hearing, if applicable, no later than 3 days prior to the date of the originally scheduled certification hearing.

(h) Notice of the hearing before the board, if applicable.

(i) Notice of stipulations, proposed agency action, or petitions for modification.

(6) A local government or regional planning council that proposes to conduct an informational public meeting pursuant to s. 403.50663 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which the proposed electrical power plant will be located no later than 7 days prior to the meeting. A newspaper of general circulation shall be the newspaper which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

(3A)

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	____

Council/Committee hearing bill:

Representative(s) Allen offered the following:

Amendment

Remove line(s) 1533 and 1534 and insert:

Section 1. Subsection (3) of section 403.5363, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

(4) For any proposed transmission line or proposed alternate corridor, in addition to the newspaper notices published by the utility pursuant to subsection (1), the utility must make a good faith effort to provide direct notice by electronic mail, U.S. mail, or hand delivery, or in the billing statements to all electric utility customers, of the filing of an application for certification, no later than 14 days after the filing of an application to all local landowners whose property, as noted in the most recent local government tax records, is within one-quarter mile of the proposed boundaries of the proposed electrical transmission line corridor, and residences within one-quarter mile of the proposed boundaries of the proposed electrical transmission line corridor. Within 30

days of the date the application is filed, or within 45 days of the date the notice of a proposed alternate corridor is filed, the utility must file with the department a list of local landowners and residences required by this subsection to be notified. An application may not be deemed complete unless this list has been provided to the department.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

(4)

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Council/Committee hearing bill: Committee on Energy

Representative(s) Allen offered the following:

Amendment

Remove line(s) 1976 and insert:

clothes washer, air conditioner, ceiling fan, ventilating fan, compact florescent

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